

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

**September 8, 2015**

1 The meeting was called to order at 6:30 p.m. by Planning Board Vice Chairman Mark  
2 Suennen. Present were regular members David Litwinovich and Ed Carroll. Also present were  
3 Planning Board Assistant Shannon Silver and Recording Clerk Valerie Diaz.  
4

5 Chair Peter Hogan arrived at approximately 6:40 p.m. and ex-officio Joe Constance  
6 arrived at approximately 7:25 p.m. following a rescheduled Board of Selectmen's meeting.  
7

8 Present in the audience for all or part of the meeting were Kenny Lehtonen, Kenneth and  
9 Sandy Lehtonen, Chad Branon, P.E., John Young and Bob Todd, LLS.  
10

11 **SKRE HOLDINGS, LLC**

12 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 Kenny Lehtonen, Sandy and Kenneth Lehtonen, Chad  
18 Branon, P.E., Mark Suennen read the public hearing notice. He noted that the Chairman would  
19 arrive at the meeting at 7:00 p.m. +/-

20 Chad Branon, P.E., of Fieldstone Land Consultants advised that he was present on behalf  
21 of SKRE Holdings, LLC, and San-Ken Homes, Inc.

22 Chad Branon, P.E., reminded the Board of the driveway design discussion that had taken  
23 place at the August 25, 2015, meeting. He indicated that following the meeting he had made  
24 revisions to the plans to prove that each proposed lot could obtain access through an individual  
25 driveway that met the Town's Driveway Regulations; he noted that the revised plans had been  
26 submitted.

27 Chad Branon, P.E., advised that a letter had been submitted that requested the use of  
28 sprinklers as firefighting water supply for the subdivision instead of a cistern.

29 Chad Branon, P.E., stated that he had fulfilled a request from the Board by preparing a  
30 common driveway design that was in conformance with the Driveway Regulations. He  
31 explained that the design showed a common driveway that shared 100' into the lot and then  
32 broke off.

33 Chad Branon, P.E., advised that the applicant had a proposed buffer for Peacock Brook.

34 Chad Branon, P.E., suggested that he review the plans with the Board and go over items  
35 that had been revised since the last meeting. Mark Suennen agreed with Chad Branon, P.E.'s,  
36 suggestion.

37 Chad Branon, P.E., referenced the four sheet plan set of the proposed individual  
38 driveways. He noted that the first sheet contained driveway alignments with associated grading.  
39 He stated that adjustments had been made to a number of the driveways that had contained  
40 algebraic differences that exceeded the 12% grade maximum. He commented that the  
41 individual driveway designs had been completed as an exercise to prove that each of the lots  
42 could be accessed. He stated that the goal of the applicant was to access the lots through some  
43 form of a common driveway. He further stated that it was not the applicant's desire to construct

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

2  
3 the individual driveways and that it made more sense aesthetically to explore alternative designs.

4 Chad Branon, P.E., explained that additional test pits had been completed in the area of  
5 the driveway to Lots #2/15-2 & -3 and it had been determined that the material was a very fine,  
6 sandy till. He noted that the test pit data was available for the Board's review.

7 Chad Branon, P.E., moved on to the next driveway design that illustrated a common  
8 driveway that would meet the Town's Driveway Regulations but was not the applicant's  
9 preferred driveway to construct. He indicated that the driveway was 20' wide, shared a common  
10 area for 100' and was parallel to the slope. He pointed out that this design did not work  
11 well relative to grading and explained that the cut at the deepest location would be 20'.

12 Chad Branon, P.E., explained that to determine the proposed buffer area for Peacock  
13 Brook the proposed building areas were evaluated in relation to the Piscataquog River. He  
14 indicated that the proposed buffer had been pushed up from the River to the edge of reasonable  
15 backyard locations.

16 Chad Branon, P.E., advised that the applicant wanted the Board to consider the request  
17 for a common driveway. He stated that a number of designs and alignments had been created for  
18 the property and they believed that the best solution was the design for access to three lots off  
19 one common driveway. He acknowledged that the Board had not initially welcomed that  
20 design but it was the applicant's hope that the Board would reconsider their position in light of  
21 the extensive cuts that would be necessary to construct the common driveway design that met  
22 the Driveway Regulations.

23 Chad Branon, P.E., referred the Board to the applicant's preferred common driveway  
24 design; he provided 11"x17" plans to the Board. He noted that the original design required the  
25 common driveway to expand over multiple lot boundaries. He explained that the revised plan  
26 proposed a common driveway along the common line of proposed Tax Map/Lot #2/15-3 and  
27 2/15-5. He indicated that the driveway would be located as far off the existing slope as  
28 possible to minimize the cut. He stated that the proposed cut for the driveway was very  
29 reasonable at 6' to 8' at the maximum depth. He pointed to station 300 and noted it was the  
30 location where Tax Map/Lot # 2/15-2 would break off. He advised that the profile for proposed  
31 Tax Map/Lot # 2/15-2 was mild as it followed the contours of the land and skirted the slope. He  
32 added that the existing stone wall would be saved with this design. He noted that proposed Tax  
33 Map/Lot #2/15-3 would break off at station 340.

34 Chad Branon, P.E., explained that the preferred common driveway was shown to be 20'  
35 wide, with an adequate turnaround at the second intersection for fire apparatus. He reminded the  
36 Board that the Fire Wards had reviewed this proposed design and had felt that it would be  
37 adequate as long as the maximum grade did not exceed 10%, it was 20' and contained  
38 turnarounds. He added that the common portion of the preferred common driveway  
39 design had been significantly shortened to 340'.

40 Chad Branon, P.E., believed that the preferred common driveway design addressed  
41 public comments made at the last hearing with regard to minimizing impact and maximizing the  
42 buffer. He commented that the common driveway design being discussed was the best plan for  
43 accessing the subdivision. He stated that the applicant hoped the Board would consider the

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

2  
3 submitted waivers as they applied to the preferred common driveway plan.

4 Chad Branon, P.E., offered to answer questions from the Board. Mark Suennen asked if  
5 the proposed driveway for Tax Map/Lot #2/15-2 required an easement to cross two separate  
6 properties. Chad Branon, P.E., answered that it would require an easement to cross Lot 2/15-3  
7 and noted that the distance to be crossed was short. He stated that the Driveway Regulations  
8 mentioned the need to enter at a common boundary, however, he pointed out that the Zoning  
9 Ordinance did not stipulate that driveways had to access on their own frontage.

10 Chad Branon, P.E., stated that the proposed project was not standard. He noted that the  
11 applicant was not maximizing the development potential for the property. He referenced  
12 comments made by the Board with regard to the installation of a road and stated that the  
13 applicant would look into creating an Open Space Subdivision if a road was required. He noted  
14 that an Open Space Subdivision would substantially change the way the property was evaluated.  
15 He emphasized that the goal and/or intent of the project was not to create an Open Space  
16 Subdivision. He stated that the applicant had decided to leave a 20 acre piece with the existing  
17 farmhouse in an effort to not compromise the setting even though the land could be developed.

18 The Chairman commented that he found it interesting that Chad Branon, P.E., had used  
19 the term "reasonable" with respect to slopes and widening as justification for moving a common  
20 driveway away from the common property line. He continued that he did not believe that a  
21 driveway could reasonably be built off Tucker Mill Road to access Tax Map/Lot #2/15-2. He  
22 stated that allowing access off the common driveway to serve Tax Map/Lot #2/15-3 was the gift  
23 the Board was giving in exchange for the proposed buffer for Peacock Brook. He believed the  
24 applicant was conceding that a reasonable person could not build a driveway for Tax/Map Lot  
25 #2/15-2 by proposing to move it to the left and onto another property. Chad Branon, P.E., stated  
26 that he was not conceding that the proposed driveway was not reasonable. He clarified that he  
27 was expressing to the Board that the proposed common driveway was not preferred but could  
28 certainly be done. The Chairman stated that Chad Branon, P.E., had used the word "reasonable".  
29 Chad Branon, P.E., believed that the proposal was reasonable. The Chairman disagreed and  
30 pointed out that the proposed driveway did not meet any of the Driveway Regulations. Chad  
31 Branon, P.E., advised that the proposed driveway met all of the Driveway Regulations with the  
32 exception of a couple of the common driveway regulations; he pointed out that the Board had the  
33 ability to waive those regulations.

34 The Chairman did not believe that the proposed driveway for Tax/Map Lot # 2/15-2  
35 could be built without the Town permitting the applicant to do extensive construction on Town  
36 property. Chad Branon, P.E., stated that the impact within the Town's right-of-way would be no  
37 different than any other impact for any other driveway, anywhere else in Town. The Chairman  
38 commented that he "did not buy that for a second". Chad Branon, P.E., stated that he did not  
39 need the Chairman to "buy it" as he had designed to the Town's regulations. The Chairman  
40 explained that the only way to do what was being proposed and not have straight up and down  
41 cuts was to taper it out. He continued that the tapering would require substantial work on Town  
42 property. Chad Branon, P.E., disagreed with the Chairman and referred to the plan. He  
43 explained that a 12' driveway was being proposed with a standard ditchline. He stated that any

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

2  
3 driveway that was located in a cut off roadway was going to have a very similar design. He  
4 further stated that the majority of the cut would occur on the applicant's property.

5 The Chairman noted that he had been on the Board for a long time and he was not aware  
6 of any time that he had gone along with a common driveway that was not located on the two  
7 property lines of the lots served. He added that he was also not aware of approving any common  
8 driveways that served more than two lots.

9 David Litwinovich asked to view the proposed common driveway that had originally  
10 been presented to the Board; Chad Branon, P.E., showed the plan to the Board. David  
11 Litwinovich commented that he liked the originally proposed common driveway for three lots  
12 better than the revised common driveway for three lots.

13 David Litwinovich asked Chad Branon, P.E., to discuss the advantages of the revised  
14 proposed common driveway design versus the originally proposed common driveway design.  
15 Chad Branon, P.E., explained that it made more sense to extend the driveway down to reduce  
16 the amount of cut that would be required with the original design. He explained that shortening  
17 the common portion of the driveway in the revised plan was in closer conformance with the  
18 Driveway Regulations and also provided more separation between the homes. He indicated that  
19 the revised plan was created with a balance of the Board's comments and in an effort to improve  
20 the layout.

21 Chad Branon, P.E., indicated that the desired house location for proposed Tax/Map Lot  
22 #2/15-3 had been relocated to the back of the lot. He explained that somebody occupying this  
23 home could potentially utilize the field area and not see a house from the existing residence on  
24 Tax Map/Lot #2/15. The Chairman pointed out that the field was not part of their lot. Chad  
25 Branon, P.E., acknowledged that it was not part of that lot and explained that there had been  
26 dialogue about potentially giving rights to use the field for equestrian purposes.

27 Mark Suennen stated that the idea of an easement across two properties was  
28 objectionable. He did not believe that the proposal met the spirit and intent of the regulations  
29 and therefore, did not deserve a waiver. Chad Branon, P.E., acknowledged that he could not  
30 necessarily convince the Board of the spirit and intent of the Ordinance, however, it was his  
31 belief that the spirit and intent of the Ordinance addressed impact, aesthetics and responsible  
32 design.

33 It was Chad Branon, P.E.'s, professional opinion that the driveway could be built. He  
34 indicated that he had seen driveways with the same design built. Mark Suennen commented that  
35 it was fair to say that everyone had seen awful driveways. He continued that the Board was not  
36 trying to create an awful driveway and that the Board was trying to accommodate good design  
37 and access. Chad Branon, P.E., believed that Mark Suennen's statement was contradictory  
38 because the design provided good access. Mark Suennen reiterated that the design required  
39 easements across two separate properties and noted that use of 300' of Tax Map/Lot #2/15-3's 50'  
40 backlot strip was being precluded by that easement. Chad Branon, P.E., noted that nothing was  
41 being proposed in the area Mark Suennen referenced. He pointed out that there was nothing in  
42 the Driveway Regulations that specifically prohibited a driveway from crossing another property.

43 The Chairman asked if Chad Branon, P.E., was trying to give the Board an explanation

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

2  
3 of the prior Board's spirit and intent relative to the Driveway Regulations. Chad Branon, P.E.,  
4 answered no and explained that he was trying to advise the Board of the regulations. He  
5 stated that if he could come up with an interpretation of the Driveway Regulations that benefited  
6 the applicant then the Board was supposed to interpret them in that direction. The Chairman  
7 stated that Chad Branon, P.E., needed to stick with the spirit and intent on which the Driveway  
8 Regulations were created. He explained that the Driveway Regulations specifically required  
9 frontage to allow for a driveway and stated that anything beyond that would be left to the  
10 discretion of the Board to waive. He stated that two Board members did not believe the  
11 proposed, applicant preferred, common driveway met the spirit and intent of the Driveway  
12 Regulations.

13 The Chairman asked for Board member comments on the proposed three lot common  
14 driveway. David Litwinovich indicated that he was not in favor of the three lot common  
15 driveway. He added that he agreed with Mark Suennen with regard to not allowing easements  
16 across two properties for one driveway.

17 Ed Carroll asked to view the proposed common driveway design for Tax Map/Lot  
18 #2/15-2 and #2/15-3. He asked the Board for their opinions of this design. The Chairman stated  
19 that Mr. Branon, P.E., had indicated that the design was not reasonable to build due to the  
20 existing grades. Chad Branon, P.E., stated that he would appreciate it if the intent for his words  
21 were understood in the way he wanted them to be understood, in the same way that the Chairman  
22 wanted to interpret the Driveway Regulations. The Chairman noted that he knew the intent  
23 of the Driveway Regulations because he had been on the Board at the time they were created.  
24 Chad Branon, P.E., stated that he knew his intentions for his words and as such he would speak  
25 to his words.

26 Chad Branon, P.E., stated that the proposed common driveway design for Tax Map/Lot  
27 #2/15-2 and #2/15-3 could be built. He explained that he had designed and shown a better  
28 design and, therefore, he believed it was more reasonable than the proposed common driveway  
29 design for Tax Map/Lot #2/15-2 and #2/15-3. He went on to say that he could not understand  
30 how the proposed common driveway design for Tax Map/Lot #2/15-2 and #2/15-3 could be  
31 determined to be more reasonable than the proposed common driveway for three lots in view of  
32 the intent of the Driveway Regulations.

33 The Chairman asked for the length of the shared portion of the proposed common  
34 driveway for Tax Map/Lot #2/15-2 and #2/15-3. Chad Branon, P.E., answered that the shared  
35 portion was 100'. Ed Carroll asked for confirmation that easements would not be required to  
36 cross two properties. Chad Branon, P.E., commented that the proposed common driveway for  
37 Tax Map/Lot #2/15-2 and #2/15-3 would certainly meet the Driveway Regulations intent if  
38 alignment of the driveways was the priority and the grading and impact were not priorities.  
39 Mark Suennen added that the design met the Driveway Regulations and did not require a  
40 waiver. Chad Branon, P.E., agreed that a waiver was not required for this design, however, he  
41 advised that the design would be built without the proposed additional buffer for Peacock Brook.

42 Mark Suennen asked that the proposed buffer for Peacock Brook be described so that  
43 the Board could determine its value. Chad Branon, P.E., indicated that the buffer would begin

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

2  
3 25' off the back of the proposed house locations on Tax Map/Lot # 2/15-3 and #2/15-5. He  
4 explained that the buffer would be about 150' from the edge of the brook to the house building  
5 lots. Ed Carroll asked if there would be any restrictions within the buffer area. Chad Branon,  
6 P.E., explained that no cutting would be allowed within the buffer area, with the exception of  
7 standard forestry management. He indicated that the restrictions would be captured in a  
8 covenant for the properties.

9 Mark Suennen indicated that the Board needed to determine if the proposed buffer area  
10 was valuable enough to approve the applicant's preferred proposed common driveway.

11 The Chairman questioned what could be done in the area of the proposed buffer if there  
12 was no written protection as the regulations provided for a 50' setback. He did not believe that  
13 what was being gifted was a big area. Mark Suennen believed that the proposed buffer area  
14 located on Tax Map/Lot #2/15 was substantially more than what was legally required.

15 Mark Suennen questioned if there was value in creating the buffer. The Chairman asked  
16 Bob Todd, LLS, if he was familiar with the area in question and if there was a value to the  
17 proposed buffer. Bob Todd, LLS, answered that the area contained a lot of environmental  
18 amenities and that he would like to see it handled better than it had been presented. Kenny  
19 Lehtonen offered to answer any questions specific to the Piscataquog River in the location being  
20 discussed. The Chairman commented that he was unsure if he was qualified to make a decision  
21 regarding the value of the buffer and that he wanted to hear from a professional with regard to its  
22 value. David Litwinovich noted that Professor Wicklow of Saint Anselm College had advised  
23 that shade to the river had been an important factor for the Board to consider. He believed that  
24 50' on either side of the river would provide shade. Chad Branon, P.E., noted that the applicant  
25 was offering to create a buffer of 150'.

26 David Litwinovich asked for confirmation that the applicant was willing to offer the 150'  
27 buffer if the Board approved the applicant's preferred, proposed common driveway and that the  
28 buffer would not be offered if the Board approved the alternative common driveway design for  
29 Tax Map/Lot #2/15-2 and #2/15-3. Chad Branon, P.E., confirmed David Litwinovich's  
30 statement.

31 David Litwinovich believed that the Board should hear from someone that had  
32 knowledge of the buffer's value prior to making a decision. The Chairman agreed with David  
33 Litwinovich.

34 Kenny Lehtonen advised that he would look into moving forward with an Open Space  
35 Subdivision if the matter could not be settled this evening. He estimated that the alternative  
36 design would allow for up to fifteen lots and a cul-de-sac road. He stated that he had hoped to  
37 move forward with a reasonable plan this evening in order to have a fall start on some of the  
38 proposed homes. Mark Suennen noted that the cul-de-sac regulations had been amended and  
39 recommended that the applicant referred to them when calculating the density.

40 Chad Branon, P.E., reiterated that the applicant's first preference was to install the  
41 common driveway to service three lots. He indicated that the applicant's second preference was  
42 to install an individual driveway for Tax Map/Lot #2/15-2 that would have access from Tucker  
43 Mill Road and install a common driveway to service Tax Map/Lot #2/15-3 and #2/15-5. He

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

2  
3 added that the applicant did not intend to construct the common driveway that had been shown to  
4 meet the Town's Regulations as it would create the most excavation and was not necessary.

5 Mark Suennen stated that it was the consensus of the Board that they did not have the  
6 expertise to determine the value of the proposed buffer and further input was needed from the  
7 Conservation Commission and/or the PLC.

8 The Chairman noted that the corner lots had not been properly marked for Tax Map/Lot  
9 #2/15-2 for the site walk. Chad Branon, P.E., explained that an adjustment had made to the  
10 subdivision plan to include the field with Lot 2/12-2, however, the adjustment had not been  
11 made in the field at the time of the site walk. He noted that the mistake had since been corrected  
12 in the field.

13 Mark Suennen advised that the applicant had offered to install sprinkler systems in the  
14 proposed houses in lieu of installing a cistern and had provided language for the covenants to  
15 reflect the agreement.

16  
17 Mark Suennen **MOVED** to accept the request of SKRE Holdings, LLC, to install  
18 sprinklers in lieu of cisterns and to provide signed covenants and deed language and  
19 appropriate notes on the plans. David Litwinovich seconded the motion and it **PASSED**  
20 unanimously.

21  
22 Mark Suennen asked if the applicant wanted to recess the hearing to later in the meeting  
23 in order to discuss moving forward with their engineer. Kenny Lehtonen answered yes.

24  
25 The Board recessed the hearing at 7:36 p.m. until later in the meeting.

26  
27 **J& R YOUNG REVOCABLE TRUST**  
28 **JOHN & RITA YOUNG, TRUSTEES**  
29 Public Hearing/Minor Subdivision/2 Lots  
30 Location: 3 Valley View Road  
31 Tax Map/Lot #16/18  
32 Residential-Agricultural "R-A" District

33  
34 Present in the audience were John Young, and Bob Todd, LLS, .

35 The Chairman read the public hearing notice.

36 Bob Todd, LLS, commented that he enjoyed the site walk and believed it was very  
37 thorough. He advised that he had received State Subdivision Approval from DES.

38 Bob Todd, LLS, stated that the intersection of Route 77 and Valley View Road was  
39 pretty steep and there was not much that could be done about it. He continued that he had added  
40 contour lines on the plan that showed where the driveway joined Valley View; he pointed out the  
41 13% slopes on the plan. He asked if there was a history with cars sliding down Valley View  
42 Road onto Route 77. John Young answered no.

43 Mark Suennen asked for the slope of the road at the other driveway. Bob Todd, LLS,

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1 **YOUNG, JOHN & RITA, cont.**

2  
3 answered that the driveway was between 7% and 9%. Mark Suennen asked if the slope was 8%  
4 or less where the driveway intersected with the Town road. Bob Todd, LLS, believed that the  
5 slope was at 10% at the intersection.

6 The Chairman did not have any issues with the waivers that had been submitted. Mark  
7 Suennen requested that the Board review each waiver separately.

8  
9 Mark Suennen **MOVED** to waive the requirement to submit Traffic, Fiscal and  
10 Environmental Impact Studies for John and Rita Young Joint Revocable Trust by John  
11 and Rita Young, Trustees, Tax Map/Lot #16/18, Valley View Road, Briar Hill Road, and  
12 NH Route 136 & 77 a/k/a High Street, because of the size and shape of the proposal and  
13 because all of the lots had an existing use and purpose. David Litwinovich seconded the  
14 motion and it **PASSED** unanimously.

15  
16 Mark Suennen **MOVED** to waive the requirement to show streets bounding, approaching  
17 or within 400', for John and Rita Young Joint Revocable Trust by John and Rita Young,  
18 Trustees, Tax Map/Lot #16/18, Valley View Road, Briar Hill Road, and NH Route 136 &  
19 77 a/k/a High Street, as it had been proven during the site walk that there was no physical  
20 accessibility to the streets that were not shown on the plan from the subject lots. David  
21 Litwinovich seconded the motion and it **PASSED** unanimously

22  
23 Mark Suennen **MOVED** to waive the requirement to show Clark Hill Road on the plan  
24 for John and Rita Young Joint Revocable Trust by John and Rita Young, Trustees, Tax  
25 Map/Lot #16/18, Valley View Road, Briar Hill Road, and NH Route 136 & 77 a/k/a High  
26 Street, because the subject property did not abut the road, the subject road was 20' below  
27 the grade of the adjacent property lines and there was no physical access to Clark Hill  
28 Road within 200'. Joe Constance seconded the motion and it **PASSED** unanimously.

29  
30 Bob Todd, LLS, advised that he had added standard note #9 to the plan.

31 The Chairman asked for further comments and/or questions. Mark Suennen asked if the  
32 Board could legally allow a driveway on an 8% road. The Coordinator noted that the driveway  
33 was an existing driveway. Mark Suennen asked if a driveway permit had been submitted for the  
34 lot that was being subdivided from this. The Coordinator explained that there were no driveway  
35 permits for either driveway as they pre-dated the driveway permit process. The Chairman  
36 pointed out that the property had been used extensively for multiple uses and contained old,  
37 grandfathered driveways. John Young added that one of the driveways had been created by John  
38 Connelly and one driveway had been created by Eva Pittman. He continued that he had merged  
39 the lots together during a prior subdivision process.

40 Mark Suennen asked if the driveways needed to be permitted. The Coordinator explained  
41 that paperwork could be filled out that identified the location of the driveways at no cost to the  
42 applicant; she noted that the driveway would be acknowledged and not permitted.

43 Mark Suennen asked if the applicant would agree to make the subdivision approval



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1 **YOUNG, JOHN & RITA, cont.**

2  
3 conditional upon the submission of driveway acknowledgments for the three active driveways at  
4 no cost to the applicant. Bob Todd, LLS, answered yes.

5  
6 David Litwinovich **MOVED** to approve the Minor Subdivision/2 Lots, for the John and  
7 Rita Young Joint Revocable Trust by John and Rita Young, Trustees, Tax Map/Lot  
8 #16/18, Valley View Road, Briar Hill Road, and NH Route 136 & 77 a/k/a High Street,  
9 subject to:

10  
11 **CONDITIONS PRECEDENT:**

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

30 The deadline date for compliance with the conditions precedent shall be **October 8,**  
31 **2015**, confirmation of which shall be an administrative act, not requiring further action by  
32 the Board. Should compliance not be confirmed by the deadline date and a written  
33 request for extension is not submitted by that date, the applicant is hereby put on notice  
34 that the Planning Board may convene a hearing under RSA 676:4-a to revoke the  
35 approval.

36  
37 **ACTIVE AND SUBSTANTIAL DEVELOPMENT OR BUILDING AND**  
38 **SUBSTANTIAL COMPLETION OF IMPROVEMENTS:**

- 39  
40 1. Within 24 months after the date of approval, the following items must be completed in  
41 order to constitute "active and substantial development or building" pursuant to RSA  
42 674:39,I, relative to the 5-year exemption to regulation/ordinance changes:

43 **Recording of the plan.**

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1 **YOUNG, JOHN & RITA, cont.**

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

5 **Submission of 3 driveway permit applications to show locations of existing**  
6 **driveways at no fee.**

7 Joe Constance seconded the motion and it **PASSED** unanimously.  
8

9 **SKRE HOLDINGS, LLC**

10 Public Hearing/Major Subdivision/5 Lots

11 Location: Tucker Mill Road

12 Tax Map/Lot #2/15

13 Residential-Agricultural "R-A" District  
14

15 Present in the audience were Kenny Lehtonen, Sandy and Kenneth Lehtonen and Chad  
16 Branon, P.E.

17 The Chairman reopened the public hearing that had been recessed earlier in the evening.

18 Chad Branon, P.E., thanked the Board for allowing the applicant time to discuss their  
19 options with regard to the project. He asked the Board to consider allowing a common driveway  
20 design that required a waiver but would not have access from Tax Map/Lot #2/15-2 extending  
21 over two boundaries. He explained that the driveway would only encumber Tax Map/Lot  
22 #2/15-3 and would exist centered along the 50' right-of-way. He added that if the Board  
23 approved this option the applicant would be willing to move forward with the proposed buffer  
24 for Peacock Brook.

25 Chad Branon, P.E., noted that a common driveway that did not exist on the common lot  
26 line of the lots had been approved for a subdivision that was adjacent to this property. He  
27 believed that the current proposal was consistent with waivers the Board had entertained in the  
28 past.

29 Chad Branon, P.E., stated that the proposed common driveway would only service two  
30 lots and the common portion would be 280'. Mark Suennen asked if the driveway would be  
31 designed to NFPA standards up to the spilt. Chad Branon, P.E., answered yes. Mark Suennen  
32 asked if the grading shown on the plan matched the current proposal. Chad Branon, P.E.,  
33 indicated that the grading on the plan showed 18' and as such it needed to be revised to show the  
34 20'.

35 Mark Suennen commented that the current proposal addressed his primary concern with  
36 regard to the need for easements across multiple properties.

37 The Chairman asked how the plan would change if Tax Map/Lot #2/15-2 was accessed at  
38 the Town's standard driveway mark. Chad Branon, P.E., answered that the driveway would need  
39 to be cut into the existing slope at 40' and would reduce the shared portion of the driveway from  
40 280' to 100'. He pointed to a section of the driveway that would require a turnaround before the  
41 driveway spilt into two. The Chairman stated that he would not require a turnaround in the  
42 location that was pointed out if the shared portion of the driveway did not exceed the regulations  
43 at 100' length maximum. Chad Branon, P.E., stated that he appreciated the Chairman's

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**SKRE HOLDINGS, LLC, cont.**

interpretation but did not believe that the turnaround would significantly change the amount of grading depicted on the plan. He advised that the proposal would require a waiver of the requirement that the driveway be located along the common lot line.

The Chairman suggested that the driveway alignment be left as it was proposed but move the common portion of the driveway at the 100' mark to access Tax Map/Lot #2/15-2. Mark Suennen pointed out that the area the Chairman was describing was the steepest part of the slope.

The Chairman commented that the driveway would be three times longer than allowed and was not proposed to run along the common lot line. He further commented that he was unsure if those issues were worth the proposed buffer. David Litwinovich stated that he would be willing to waive the two items in exchange for the proposed buffer. Ed Carroll commented that the applicant had done a lot of work to try and meet the Town's standards. Joe Constance stated that he shared the Chairman's concerns but noted the proposed buffer was positive.

David Litwinovich stated that he was in favor of the current proposal because he did not want to see the applicant build the individual driveway off Tucker Mill Road.

The Chairman stated that he could live with the location of the common driveway in the middle lots in exchange for the proposed buffer. Mark Suennen noted that the proposed common driveway design saved more of the stone wall on Tax Map/Lot #2/15-2.

The Chairman commented that the waiver to allow for 280' of shared common driveway offended him more than any other issue. Mark Suennen stated that he was willing to accept the waiver for the 280' common driveway. He explained that his decision was based on the fact that the PLC had expressed their preference to have more of a buffer than less of a buffer and because the applicant eliminated the need for the driveway to cross multiple properties.

The Chairman asked for the length of the brook that traveled through the property. Chad Branon, P.E., stated that about 1,600' of brook ran along the property. The Chairman agreed to waive the common driveway maximum length in exchange for a quarter of a mile of river protection. He noted that the driveway would be built to NFPA standards. Chad Branon, P.E., asked if the Board would require a turnaround for the driveway. Mark Suennen answered that a turnaround was required. The Chairman doubted that anyone else would come before the Board and be able to offer the same amount of river protection for a subdivision and because of that he did not believe the Board was setting any precedents. He commented that the buffer added to the subdivision.

Mark Suennen **MOVED** to grant an amended waiver to allow for a single common driveway to Tax Map/Lot #2/15-2 and #2/15-3, the shared portion not to exceed 280' at NFPA standards and to grant a waiver to allow the common driveway not on the common lot line but fully within Lot #2/15-3 until the common driveway break and for this generosity the applicant was providing additional buffer land with no build and no cut provisions except for appropriate forestry management techniques that would be recorded by deed and on the plans. Ed Carroll seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to waive the requirement to submit an Environmental Impact

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Study for SKRE Holdings, LLC, Tax Map/Lot #2/15, Tucker Mill Road, as the applicant had completed additional test pits to confirm the soils in the driveway areas and to address the Board's questions, and to grant the waiver to not submit Site Specific Soils Mapping because the soil tests indicated till at those depths as firm soil and not loose sand. David Litwinovich seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to waive the requirement to submit a Fiscal Impact Study for SKRE Holdings, LLC, Tax Map/Lot #2/15, Tucker Mill Road. Joe Constance seconded the motion and it **PASSED** unanimously.

Mark Suennen **MOVED** to waive the requirement to submit a Traffic Impact Study for SKRE Holdings, LLC, Tax Map/Lot #2/15, Tucker Mill Road, with the understanding that the applicant would provide the offsite improvements, i.e., tree clearing, as indicated by the Road Agent. Ed Carroll seconded the motion and it **PASSED** unanimously.

Mark Suennen asked about stump dumps and noted they should be shown on the final plan and included in deeds. The applicants and Board discussed the thresholds for active and substantial development and substantial completion of improvements for the subdivision.

Mark Suennen **MOVED** to approve the Major Subdivision/5 Lots, by SKRE Holdings, LLC, Tax Map/Lot #2/15, Tucker Mill Road, subject to:

**CONDITIONS PRECEDENT:**

1. Submission of a minimum of five (5) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing and including the Stormwater Management Plan if separate from the subdivision plan.
2. Submission of a suitable mylar for recording at the HCRD.
3. Submission of State Subdivision Approval.
4. Submission of legal documents required for the installation of sprinkler systems in the homes, including a Declaration of Covenants and Restrictions and sample deed language to reference same.
5. Submission of legal documents with regard to the buffer along Peacock Brook. Review by Town Counsel may be required, at the applicant's expense.
6. Submission of Driveway Permit Applications and approval of same by the Road Agent and the Planning Board.
7. Submission of the required legal documents with regard to the common driveway for review by Town Counsel, the cost of said review to be borne by the applicant.
8. Submission of Road Agent's required off-site road improvements.
9. Submission of deed language regarding stump dump locations, if any.
10. An 'Individual Stormwater Management Plan' (ISWMP) to be submitted prior to the issuance of a building permit, will be required for land disturbance or

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**SKRE HOLDINGS, LLC, cont.**

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

The deadline date for compliance with the conditions precedent shall be **November 8, 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.

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

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

**Construction of the common driveway to the breakpoint of the common driveway.**

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

**Installation of the foundations for the four new lots.**

Joe Constance seconded the motion and it PASSED unanimously.

The Board took a three minute recess from 8:56 p.m. through 8:59 p.m.

**MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF  
SEPTEMBER 9, 2015.**

1. Approval of the July 28, 2015, meeting minutes, with or without changes. (distributed by email.)

David Litwinovich **MOVED** to approve the July 28, 2015, meeting minutes. Joe Constance seconded the motion and it **PASSED** unanimously.

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**MISCELLANEOUS BUSINESS, cont.**

- 1  
2  
3 2. Distribution of the August 25, 2015, meeting minutes, for approval at the September 22,  
4 2015, meeting, with or without changes. (distributed by email)

5  
6 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
7 occurred.

- 8  
9 3. Endorsement of Neville Materials, LLC, Gravel Excavation, Restoration, Erosion Control  
10 and Stormwater Management Plan, Tax Map/Lot #'s 3/57 & 58, Parker & Riverdale  
11 Roads, by the Planning Board Chairman and Secretary.

12  
13 The Chairman indicated that the above-referenced documents would be executed at the  
14 close of the meeting.

- 15  
16 4. Construction Services Reports dated August 18, 19, 21, 24, 25, 26, 27, & 28, 2015, from  
17 Northpoint Engineering, LLC, for Forest View/S&R Holding, LLC, for the Board's  
18 information.

19  
20 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
21 occurred.

- 22  
23 5. Final Invoice and Construction Services Reports dated August 18, 19, 20, 25, & 28, 2015,  
24 from Northpoint Engineering, LLC, for Bussiere/Indian Falls/Susan Road connection, for  
25 the Board's information.

26  
27 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
28 occurred.

- 29  
30 6. Copy of Wetlands Bureau Permit Application for New Boston Air Force Station Bridge  
31 #243, Orbit Drive, for the Board's information. (Copy is available for viewing in  
32 Planning Office).

33  
34 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
35 occurred.

- 36  
37 7. Letter with attachments dated August 28, 2015, from John A. Heavisides, P.E., Meridian  
38 Land Services, to Peter Hogan, Planning Board Chairman, re: SB 98 relative to RSA  
39 676:4-b, I, for the Board's information.

40  
41 The Chairman acknowledged receipt of the above-referenced matter; no discussion  
42 occurred.

43

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1 **Continued discussion, re; Master Plan update, Goals & Objectives**

2

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

4 Ed Carroll stated that he would be willing to write an article for the October issue of the  
5 New Boston Bulletin relative to the Master Plan and would distribute same to the Board for their  
6 review by 9/15/15..

7

8 Joe Constance **MOVED** to adjourn at 9:03 p.m. David Litwinovich seconded the motion  
9 and it **PASSED** unanimously.

10

11

12 Respectfully submitted,  
13 Valerie Diaz, Recording Clerk

Minutes Approved:  
Approved 10/13/15

14