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The meeting was called to order at 6:30 p.m. by Vice Chairman Mark Suennen. Present were regular Board members Ed Carroll and David Litwinovich, and Selectmen Ex-Officio Rodney Towne.

Also present were Planning Coordinator Shannon Silver, Planning Consultant Mark Fougere and Planning Board Assistant Nadine Scholes.

Absent from the meeting was Planning Board Chairman Peter Hogan.

Present in the audience for all or part of the meeting were Road Agent Dick Perusse, Dennis McKenney, Charles Peak, Robert Kilmer, Susan Frost and Daniel Reardon.

TOWNES FAMILY TRUST

- Submission of Application/Public Hearing/Minor Subdivision/2 Lots
- 16 Location: South Hill & Lyndeborough Roads
- 17 Tax Map/Lot #10/73
- 18 Residential-Agricultural "R-A" District

Dennis McKenney presented the proposed Subdivision Plan for the Townes Family Trust. He noted that Charles Peak was the representative for the Family Trust and he was in attendance. Dennis McKenney pointed out that on South Hill Road, 3.3 acres including the existing house would be subdivided off from the parent lot and would be potentially sold. Perk tests had been completed on both the parent and subdivided lots, which would be submitted to DES. He noted that the parent lot had frontage on South Hill Road, Lyndeborough Road and NH Route 13. On South Hill Road the total frontage was 665 feet and the subdivided lot would have a total of 367 feet. The subdivided lot had an existing well with a 75 foot radius and septic area between the house and South Hill Road which would be included on the subdivided house lot.

Mark Suennen noted that the Tax Map at 1" = 400' scale was missing with the submission of the application, which was a requirement to accept the application as complete. Dennis McKenney stated that he had submitted the Tax Map to the Planning Department. The Planning Coordinator, Shannon Silver explained that the Tax Map should show the entire parcel with the new lot shown at the required scale of 1" = 400', which was not what he had submitted. Dennis McKenney asked if he could print the plan he submitted at the required scale. Mark Suennen explained that the subdivision plan did not show the entire parcel and would not be complete to submit as the Tax Map scale.

Rodney Towne asked if the South Hill Road frontage with the existing driveway shown was around 138 feet? Dennis McKenney replied that the access was an existing road. The Planning Coordinator asked if the driveway shown went to a house. Dennis McKenney said that this was only a woods road that went deep into the parcel but did not access the house. Rodney Towne noted that this road replaced another that went right through the lot. Dennis McKenney noted that the lot actually had two existing access points. Rodney Towne agreed but one was

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TOWNES FAMILY TRUST, cont.

more recent than the other. Rodney Towne stated that the frontage should be 200' for the new lot. Mark Suennen agreed but continued that it could be less if it were being treated as a backlot. Rodney Towne noted that if the new lot was being considered as a backlot the access should be 50', which he thought would be unusual for a lot with 200' of frontage available. Mark Suennen noted that it would be up to the owner whether a new lot would be subdivided off as a frontlot or backlot. This parcel had plenty of frontage and could be subdivided several times in the future.

Mark Suennen asked if the Board would want to wait until after the site walk to discuss the waivers requested. David Litwinovich said that he would prefer to discuss the waivers after the site walk. The Board decided to hold off on reviewing the waivers until after the site walk.

Mark Suennen asked if the application could be accepted as complete with the notation that the Tax Map scale needs to be submitted with the entire parcel and the new lot being created shown at the required scale of 1" = 400. Rodney Towne stated that he would not have any issues with accepting the application as complete.

David Litwinovich **MOVED** to accept the application as complete, with the notation that the Tax Map scale still needs to be submitted by the applicant. Rodney Towne seconded the motion and it **PASSED** unanimously.

Mark Suennen noted that the Board would like to schedule a site walk. The site walk was scheduled for Saturday, May 5, 2018, at 8:00 a.m. Mark Suennen explained the items that would be reviewed on the site walk. The centerline for the proposed driveway and the potential house location on the parent lot. Rodney Towne mentioned that he thought a test pit had been done already. Dennis McKenney agreed that the test pit was completed.

Mark Suennen asked if the State Subdivision application had been submitted. Dennis McKenney answered that it had not been submitted yet but Charles Peak would be completing the application and submitting to the State.

Mark Suennen had noted that Dennis McKenney mentioned that a survey had been previously completed for Tax Map/Lot #10/73 and asked if Dennis could submit that by the next meeting. Dennis McKenney stated that he would be able to provide the survey.

Rodney Towne asked why the subdivision plan showed a pre-merger lot line that did not exist. Mark Suennen asked Dennis McKenney to explain his reasoning for the lot lines shown on the plan. Dennis McKenney stated that a recorded plan from 1995 had a note regarding the lot merger and assessing records currently had the total acreage around 126 acres. He continued to explain that on the subdivision plan he was presenting, the area outlined in green was covered by a separate deed with a total of 83.5 acres and he thought the plan should show the lot lines prior to merger since there were two deeds existing for the one lot of record. Dennis McKenney

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TOWNES FAMILY TRUST, cont.

believed this was done by request of the owner but two lots were combined into one lot, which is Tax Map/Lot #10/73. The Planning Coordinator, Shannon Silver noted that the assessing record currently showed Tax Map/Lot #10/73, as one lot of record with 126.08 acres. Mark Suennen asked if the lot Dennis McKenney showed on his plan as Tax Map/Lot #11/38, did not exist as a lot of record. The Planning Coordinator said that she did not believe it did exist as part of Tax Map/Lot #10/73. Mark Suennen asked the Planning Coordinator if the lot should be treated as one lot. The Planning Coordinator answered that often one lot could have two separate deeds with the tracts for the land. She continued that the line shown on the plan, labeled as A to B approximate former location of pre-merger deed line should not be shown on the plan because it does not exist and could cause confusion in the future. Dennis McKenney explained that the parcel had two distinct deeds, one of which involved a subdivision back in 1998. Dennis McKenney corrected his statement that 1998 was the date of the most current deed. Mark Suennen asked what the most current deed showed for the total acreage. Dennis McKenney was not sure and couldn't provide an answer. He continued that the deed dated in 1988 was where he got the 83.5 acres, then somehow the two parcels were combined. Mark Suennen suggested that the final plat that Dennis McKenney provided for recording clarify the deeds and boundaries as to not cause any further confusion. Dennis McKenney thought that this plan had cleared up the situation with his notation of the existing deeds and the note regarding the area west of the premerger boundary. Mark Suennen explained to Dennis that the plan should not be recorded with any non-existing lot lines.

Mark Suennen requested that a driveway application be submitted for the lot with the existing house, which would be Tax Map/Lot #10/73-1, but there would not be any charges collected for the application as it was an existing driveway but the Town did not have a record of the permitted driveway and submit another permit for the remainder lot off of the road where the frontage is being proposed.

Mark Suennen asked if anyone in attendance had concerns or comments. Dan Reardon, of 18 South Hill Road, New Boston, NH, questioned if the public would be able to attend the site walk. Mark Suennen explained that the owner would need to give anyone that wanted to attend the site walk permission. Dan Reardon asked what the time frame was to start building the house. The Board and Dennis McKenney explained that the subdivision would cut off the existing house from the parent lot and there were no plans to build on that lot at this time. Dan Reardon asked if the existing logging road would be the driveway access to the parent lot. Charles Peak stated that the lot had frontage and could also be accessed from Lyndeborough Road but the existing driveway shown on the plan was the existing access on South Hill Road. The Board explained that all subdivided lots need to show where the proposed driveway access would be located to prove it had viable access from the road.

Mark Suennen asked if the Board had any other items to discuss. There were none.

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TOWNES FAMILY TRUST, cont.

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Mark Suennen asked if Dennis McKenney had any questions on the action items that would be required prior to the next meeting. Dennis McKenney noted the following items that he would need to submit prior to the next meeting.

- the Tax Map scale of the entire parcel at 1"=400' be submitted.
- the potential house location on the parent lot would be reviewed at the site walk.
- State subdivision application would be submitted to DES.
- clarify the pre-merger on the plan more boldly.
- the requested waivers would be reviewed after the site walk was completed.
- Driveway applications for both lots at no charge.

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Rodney Towne noted that only the existing driveway would be at no charge, the driveway for the remainder would be charged the regular driveway application fee. Dennis McKenney stated that he disagreed with the fee for the driveway to the new lot because there was an existing access to the parent lot and he doesn't feel that the fee would be necessary. Mark Suennen noted that the existing access was not currently defined as a driveway and it would need to be redefined as the driveway access to the parent lot. Dennis McKenney mentioned that there was an existing driveway access off of Lyndeborough Road that could be used to access the lot. Mark Suennen said that would need to be updated on the plan to show the frontage off of Lyndeborough Road verses South Hill Road. He continued that the existing driveway on Lyndeborough Road could be reviewed during the site walk to determine if it could be used to access the lot. Rodney Towne asked if a driveway permit existed for the access off of Lyndeborough Road, he believed it was an old access to the gravel pit. Mark Suennen stated that it would be researched and would be discussed at the next meeting. Charles Peak said that access had been there for 30 years. The Planning Coordinator explained that because it was so old, there would most likely not be any record of permits for this access. This is why the Board had requested the driveway application be submitted.

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Mark Suennen asked if the items requested would be submitted by the next meeting on May 8, 2018. Dennis McKenney noted that he would like to get a conditional approval at the May 8, 2018 meeting, with condition that the State Subdivision approval was pending but he was unsure of how long the approval would take from the State.

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Mark Suennen asked the Planning Coordinator, Shannon Silver for the time of the meeting on May 8, 2018 to adjourn the hearing. She noted that the hearing would be heard at 6:30 p.m. at the May 8, 2018, meeting.

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David Litwinovich **MOVED** to adjourn to May 8, 2018, at 6:30 p.m. Ed Carroll seconded the motion and it **PASSED** unanimously.

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- 1 SDC TINGLEY LEGACY REV TRUST (OWNER)
- 2 SANDFORD SURVEYING AND ENGINEERING, INC. (APPLICANT)
- 3 Submission of Application/Public Hearing/Minor Subdivision/2 Lots
- 4 Location: Mont Vernon Road (NH Route 13)
- 5 Tax Map/Lot #8/107
 - Residential-Agricultural "R-A" District

Robert Kilmer presented the proposed subdivision for Tax Map/Lot #8/107. He explained that 14 acres would be subdivided from the 34.8 acre lot. The new lot would be treated as a backlot and used to build a home. Robert Kilmer noted that the lot is zoned Residential-Agricultural "R-A" and currently had an existing gravel pit operation. There is a site development plan done by Richard Kohler, which shows the proposed structures and driveway to the house. The access that will be used to the new house was an existing driveway to the house that had been torn down back in 2016 and also was the access to the fields out back. Robert Kilmer expressed that he questioned the frontage, which currently was 116.96' and the subdivision regulations state 50' frontage for a backlot, he thought the 50' would be a minimum.

Mark Suennen asked if the existing house shown on the plan was relative with the proposed subdivision or was that an independent parcel. Robert Kilmer noted it was completely separate from Tax Map/Lot# 8/107, but shown on the plan to delineate the property lines clearly and to show that the new lot would be a backlot. Robert Kilmer explained that a granite post was found and used to create the front boundary. Mark Suennen asked Robert Kilmer if he was referring to the boundary marker shown to the south of the existing driveway. Robert Kilmer answered yes. Robert Kilmer explained that there is an existing gravel pit access and drainage that he wanted to stay away from to avoid the need for any easements.

Robert Kilmer went over the topography plan he submitted and explained that the lot had some steep slopes but the house development site would be at the base of the sloped area. Wetlands had been flagged in an area that would require a 75' radius, the soil found was poorly drained and the critical areas would require a Stormwater Management Plan. The existing driveway would be used and did not cross any wet area. Mark Suennen asked if the existing driveway to be used stopped at the old house site. Robert Kilmer answered no, the driveway continued to access the fields. Mark Suennen clarified that although the driveway shown was cut off on the plan, it continued deeper into the lot. Rodney Towne noted the driveway went around the back of the barn between the old shed. Susan Frost agreed with Rodney Towne, and explained that the house that was torn down was to the right and had a garage across from the house. There was also another post and beam garage that was used for farm equipment, then the road continued out to access the fields.

 Robert Kilmer noted the three requested waivers for topography, full boundary and wetlands on the entire parcel. He explained that the reason the waiver is requested for the metes and bounds and topography around the entire parcel was because of the wetland setback along the river but these were shown on the plan in the area of development. Robert Kilmer explained that originally a waiver was requested for the Stormwater Management Plan but had since been

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SDC TINGLEY LEGACY REV TRUST, cont.

created and submitted. Mark Suennen clarified the waiver that had been requested for Section VII-L, to use a site development plan in lieu of an ISWMP would be withdrawn. Robert Kilmer agreed.

 Mark Suennen asked Robert Kilmer to explain the need for the subdivision since the owner planned on building a house on the lot and living there. Robert Kilmer explained that the bank being used for financing considered the gravel pit operation a mining operation and would not approve a loan for a residential use on the same lot as an active gravel pit operation. The intent is to cut off the land to build a home completely separate from the gravel pit. Mark Suennen asked when the owner planned on building the house. Susan Frost answered that it would be built as soon as possible; she was planning on this year.

Mark Suennen suggested that he would like to schedule a site walk. The Board agreed. Mark Suennen noted that aside from the waivers being requested, which would be reviewed at the next meeting after conducting the site walk, could the Board move to accept the application as complete. The Planning Coordinator, Shannon Silver noted that the ISWMP had not been submitted, only the site development and grading plan was created by Richard Kohler and submitted and would need the Board to accept these plans in lieu of the required ISWMP. She noted that the grading plan meets the majority of the requirements but the bond worksheet would need to be submitted if the Board approved these plans in lieu of the ISWMP. Mark Suennen noted that the Board could accept what had been submitted as satisfactory to meet the ISWMP requirements but he noted that the Board would wait to accept this item until after the site walk.

The Planning Coordinator, Shannon Silver explained that she had noted the definition of a backlot from Zoning Ordinance for the Board to consider the 50' access. Mark Suennen believed that the Board had been flexible with the access being a minimum of 50' for a backlot but noted that this item would also be reviewed at the site walk.

David Litwinovich **MOVED** to accept the application as complete, pending the site walk to review the waivers requested, Site Development Plan in lieu of a ISWMP plan, and the bond worksheet being submitted. Rodney Towne seconded the motion and it **PASSED** unanimously.

The Board scheduled the site walk for May 5, 2018, at 8:45 a.m. Mark Suennen noted the Board would review the bounds along the abutting lot and the proposed house location on the site walk.

Mark Suennen opened the hearing to the public. There were no comments.

Rodney Towne asked if a driveway permit would be required from the State. Mark Suennen believed that because the driveway existed the permit should still be valid. Robert

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SDC TINGLEY LEGACY REV TRUST, cont.

Kilmer noted that although the State driveway permit should still be valid he planned to submit a new permit application to the State.

Mark Suennen noted that a waiver had not been requested for the Traffic, Fiscal and Environmental studies. Robert Kilmer stated that a request to waive those items would be submitted immediately.

Mark Suennen asked Robert Kilmer if all the items discussed would be ready if the hearing were adjourned to the May 8, 2018, meeting. Robert Kilmer said yes. The Planning Coordinator, Shannon Silver noted the hearing would be scheduled for 7:00 p.m. +/- on May 8, 2018.

David Litwinovich **MOVED** to adjourn to May 8, 2018, at 7:00 p.m. +/-. Ed Carroll seconded the motion and it **PASSED** unanimously.

Discussion, re: Review of Proposals, Town Engineering Consulting Services.

Mark Suennen asked if the proposals received should be reviewed in an open session or would be more appropriate to review in a closed session. The Planning Coordinator, Shannon Silver opined that the proposals could be reviewed in an open session. The Board agreed.

Mark Suennen asked if anyone else on the Selection Committee had disqualified any of the companies for not meeting the minimum requirements. He explained that he had found Stantac to not meet the minimum requirements because the Project Manager was not a Licensed Engineer.

David Litwinovich stated that he had used a points system to evaluate the proposals. He continued that DuBois & King and Northpoint scored the highest and Horsley Witten and H.L. Turner were the lowest with Keach-Nordstrom in the middle. Rodney Towne, Dick Perusse and Mark Suennen agreed with David Litwinovich. Mark Suennen noted that because H.L. Turner and Horsley Witten had scored the lowest they would not be considered for further discussion, they were scored greatly lower than the other companies that had submitted proposals.

Rodney Towne noted that he only found two of the companies that had submitted to qualify for the position as Town Engineer because he felt like the others did not have the experience of working with similar smaller towns like New Boston. He noted that Northpoint would be his top runner.

 Mark Suennen asked if the Board should have the top 3 companies come in for interviews or if that was unnecessary if the Committee agreed that one company is the top runner. Rodney Towne said that he doesn't believe that interviews would be necessary but asked if there was any reason why Northpoint should not be considered to be the top runner and continue as the

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Discussion, re: Review of Proposals, cont.

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Town Engineer. Mark Suennen replied that it should be discussed, if we are comfortable with the level of service provided by Northpoint and they should continue as the Town Engineer or are we in need of a new perspective and new blood. Mark Suennen opined that Northpoint had been a known quantity; the Town had worked with Northpoint for a long time and they served the Town well. He continued that Kevin Leonard of Northpoint had been very responsive to the Town as needed but the RFP had been advertised and the other companies that submitted proposals should be considered for new different ideas or qualifications. Rodney Towne believed that if a new company were hired, it would take well over a year to get up to speed. David Litwinovich expressed that he had DuBois & King scoring the highest with experience and staff but noted that the opinions of the Planning Coordinator and the Road Agent would weigh in heavily if Northpoint should be the top runner. He continued that it seemed Rodney Towne had expressed some good feedback with working with Kevin Leonard also. Rodney Towne agreed, and noted that he had seen Kevin Leonard and the Northpoint team handle a tough situation about 4 years ago, they stepped up to the plate to assist the Town, this was a valuable experience and showed a high quality of service. Dick Perusse noted that he had Northpoint at the top because of the established relationship with Kevin Leonard and his partner Jeff. The Planning Coordinator, Shannon Silver noted that she too believed that Northpoint had served her department well, and she had a very good rapport with Kevin. She said that one of the larger firms may have more to bring to the table but doesn't believe that a large firm would be a good fit for the needs of a smaller Town like New Boston. She expressed that the fees that Northpoint had charged had been contended by some of the contractors but she explained that his fee schedule is still much lower than the other firms. She continued that most of the complaints had been regarding the fees charged for road inspections and thought everyone should know that the inspections are conducted based on the procedure process that was adopted by the Board. Plus, he had situations were he was on site at the scheduled time agreed upon with the contractor and they were not ready for him for another few hours, he charged the contractor from the time he arrived not when they were ready. She thought most of the complaints made against Northpoint to be unfair. Dick Perusse agreed that he had heard some of the same complaints from the contractors but he would be even more concerned if a new company with even higher rates was hired. The Planning Coordinator also explained that although Kevin Leonard may work for the Town, he also tries to help and accommodate the other party involved, he has been fair and honest. She noted that the Town could grow and need more in the future than what Northpoint could offer but believed that they were the right choice at this time for the Town.

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Mark Suennen noted that the Department Heads seem to have a consensus that they are satisfied with the services provided by Northpoint and wish to continue using them for the Town Engineer. He asked Rodney Towne if he would agree as the Selectman Ex-Officio, Rodney Towne agreed to continue with Northpoint and David Litwinovich also agreed.

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43 44 David Litwinovich **MOVED** to accept Northpoint Engineering to continue as the Town Engineer. Rodney Towne seconded and the motion **PASSED** unanimously.

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Discussion, re: Review of Proposals, cont.

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the Planning Coordinator had mentioned that New Boston could have development explode and Northpoint may not be able to handle some of the situations that accompanied large growth. The Planning Coordinator agreed and noted that the Town gained a well-written RFP out of the exercise, which did not exist previously.

Mark Suennen suggested that Kevin Leonard come in to explain to the Board what the

Rodney Towne expressed that he thought the RFP process was an important exercise as

acquisition of Provan and Lorber, Inc., had done for his firm and their capabilities. Dick Perusse noted that he had heard that a few new people were hired with different types of education. Mark Suennen suggested that the Planning Coordinator, Shannon Silver invite Kevin Leonard to the second meeting in May or the first meeting in June.

David Litwinovich mentioned that letters would be sent to the other companies that submitted proposal to let them know that they were not chosen and thank them for taking the time to submit a proposal.

The Board noted that a notice would be given to the Board of Selectmen of the decision made by the Selection Committee for Northpoint Engineering to continue as the Town Engineer.

Miscellaneous business that may come before the Board and/or Planning Board discussions.

1. Approval of the February 27, 2018, meeting minutes, with or without changes. (distributed by email)

David Litwinovich **MOVED** to approve the February 27, 2018, meeting minutes, with changes. Ed Carroll seconded the motion and it **PASSED** unanimously.

- 2. Distribution of the March 27, 2018, meeting minutes, for approval, at the May 8, 2018, meeting, with or without changes. (distributed by email)
- 3. Distribution of the April 10, 2018, meeting minutes, for approval, at the May 8, 2018, meeting, with or without changes. (distributed by email)
- 4a. Email with attachments, received April 20, 2018, from concerned residents, to the Planning Coordinator, Shannon Silver, re: proposed NRSP development, 24 Oil Mill Road, Weare, NH, for the Board's information.
- 4b. Section copy of proposed NRSP development, 24 Oil Mill Road, Weare, NH, for the Board's information.

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Miscellaneous business, cont.

The Planning Coordinator, Shannon Silver noted that the site currently had one garage owned by Gary Remillard, and it is used to buy and sell equipment. It had existed for many years and he is now proposing an additional four, 5300 square foot buildings to be developed on the property. There are some concerned New Boston citizens in the area that had gotten together and sent a letter to the Board of Selectmen, the Conservation Commission and the Planning Board. The Planning Coordinator noted that she had called over to the Weare Planning Department to see if the project had even been discussed as a Regional Impact at this point.

Mark Suennen clarified that it would be the Town of Weare's responsibility to decide if the project would have Regional Impact or not. The Planning Coordinator agreed and continued that when she spoke to Chip Meany, the Land Use Coordinator in Weare to ask about the project having been reviewed for Regional Impact, she asked him if any meetings had happened with the Planning Board to review this application, he said yes and noted it would be discussed at the next Board meeting. She noted that Chip Meany had dropped off a set of plans in the meantime.

The Planning Coordinator, Shannon Silver, noted that the use was still very vague and assumed that would need to be identified before the Board would give them any approval. The items may include identifying parking, traffic, lighting, etc. There had been some mention of the buildings potentially being rented out to private contractors, but has not been confirmed at this time.

Ed Carroll asked what would be the roll of the Planning Board reviewing this item since it was located in the Town of Weare or was this more of an FYI. Mark Suennen noted that at this point the Board does not have a roll because the official notice has not been given to New Boston that the project would have a Regional Impact. Ed Carroll asked what the roll would be once the notice of Regional Impact was received. Mark Fougere noted it would be a limited power, similar to an abutter. Rodney Towne stated that we could voice our opinion. Rodney Towne assumed that the property was currently zoned Commercial, the Planning Coordinator said yes. He continued that the concerned residents had notified the Town of Weare and it will be discussed if the project would have potential Regional Impact at their next meeting to determine if formal notification should be made to the abutting Town's.

Mark Fougere noted that it should have been determined if the project would have Regional Impact before any meetings were held. The Planning Coordinator agreed.

The Board decided to wait until the Town of Weare sent the official notice to determine if the project would be an impact on New Boston.

Mark Suennen asked if there was any other business to discuss. There was none.

	4/24/18	
1	David Litwinovich MOVED to	adjourn the meeting at 7:53 p.m.
2	Ed Carroll seconded the motion	and it PASSED unanimously.
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5	Respectfully submitted,	Minutes Approved: 06/26/18
5	Nadine Scholes, Planning Board Assistant	• •