

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

1

1 The meeting was called to order at 6:30 p.m. by Chairman Stu Lewin. Present were
2 regular members Peter Hogan, Mark Suennen and Don Duhaime, alternate member David
3 Litwinovich, and Ex-officio Dwight Lovejoy. Also present were Planning Coordinator Nic
4 Strong, Planning Assistant Board Shannon Silver and Recording Clerk Valerie Diaz.

5 Present in the audience for all or part of the meeting were Ed Ranger, Ron and Angela
6 Maas, Gail Stout, Ken Clinton, Peter Shellenberger, and Jay Marden.

7
8 **Public Hearing on proposed Zoning and Building Code Amendments**

9
10 The Chairman noted that there were no audience members and as such he did not read the
11 public hearing notice or the proposed amendments. He welcomed comments and/or questions
12 from the Board members.

13 Peter Hogan noted that the Board had reviewed the proposed amendments a couple of
14 times and asked if any new information had been added. The Coordinator answered that nothing
15 new had been added to the proposed Zoning Amendments. The Chairman noted that Town
16 Counsel had forwarded some suggestions for minor corrections.

17 The Chairman referenced the Zoning Ordinance, Article II, Establishment of Districts
18 and District Regulations, Section 208.2, Front Yard Regulations and Exceptions, and noted that
19 proposed amendment #1 would clarify front yard requirements for corner lots. He asked for
20 comments and/or questions; there were no questions or comments.

21 The Chairman referenced the Zoning Ordinance, Article III, General Provisions, Section
22 307, Yards on Corner Lots, and explained that the second part of proposed amendment #1 would
23 delete Section 307 in its entirety. He asked for questions and/or comments; there were no
24 questions or comments.

25
26 Mark Suennen **MOVED** to advance proposed amendment #1 of the Zoning Ordinance to
27 March 13, 2012, ballot. Peter Hogan seconded the motion and it **PASSED** unanimously.

28
29 The Chairman asked for questions and/or comments regarding the proposed amendments
30 to the Building Code; there were no questions or comments.

31
32 Peter Hogan **MOVED** to advance proposed amendment #'s 1, 2 and 3 to the Building
33 Code to the ballot. Don Duhaime seconded the motion. **DISCUSSION:** The Chairman
34 noted that Town Counsel had reviewed the amendments and recommended that the Board
35 strike the following language from proposed amendment # 1, "until such time as a
36 separate Building Code of Appeal is created by the legislative body". Peter Hogan stated
37 that he did not have a problem with the change. Mark Suennen commented that if the
38 Town Attorney could better protect the Town using his language than the Board should
39 move forward with those changes. Peter Hogan amended his previous motion to take
40 into account the recommendation made by Town Counsel. Don Duhaime seconded the
41 motion and it **PASSED** unanimously.
42

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

2

1 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
2 **DECEMBER 20, 2011.**

- 3
4 1. Approval of the October 25, 2011, minutes, distributed by email.

5
6 Peter Hogan **MOVED** to approve the October 25, 2011, minutes as written. Mark
7 Suennen seconded the motion and it **PASSED** unanimously.

- 8
9 2. Approval of the November 8, 2011, minutes, distributed by email.

10
11 Peter Hogan **MOVED** to approve the November 8, 2011, minutes as written. Don
12 Duhaime seconded the motion and it **PASSED** unanimously.

- 13
14 3. Distribution of November 22, 2011, minutes, for approval at the meeting of January 10,
15 2012, distributed by email.

16
17 The Chairman acknowledged the receipt of the above-referenced matter; no discussion
18 occurred.

- 19
20 4a. Endorsement of a Subdivision Plan for Vista Road, LLC, Tax Map/Lot #6/40-2, River
21 Road (Route 13) and Byam Road, by the Planning Board Chairman and Secretary.

22
23 The Chairman indicated that the above-referenced matter would be executed at the close
24 of the meeting.

- 25
26 4b. Endorsement of a Subdivision Agreement for Vista Road, LLC, Tax Map/Lot #6/40-2,
27 River Road (Route 13) and Byam Road, by the Planning Board Chairman.

28
29 The Chairman indicated that he would execute the above-referenced matter at the close of
30 the meeting.

- 31
32 4c. Endorsement of a Notice of Decision Cover Sheet for Vista Road, LLC, Tax Map/Lot
33 #6/40-2, River Road (Route 13) and Byam Road, by the Planning Board Chairman.

34
35 The Chairman indicated that he would execute the above-referenced matter at the close of
36 the meeting.

- 37
38 5. Endorsement of a Non-Residential Site Plan Review for Eric J. Dubowik, Tax Map/Lot
39 #13/15-6B, 10B Kettle Lane, by the Planning Board Chairman and Secretary.

40
41 The Chairman indicated that the above-referenced matter would be executed at the close
42 of the meeting.

43

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

3

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 6. Endorsement of Site Review Agreement for Jerri Stanford & David Mann, (applicants),
4 and 299 Stark Realty, (owner), Tax Map/Lot #18/9, 3 River Road, by the Planning Board
5 Chairman and Secretary.

6
7 The Chairman indicated that the above-referenced matter would be executed at the close
8 of the meeting.

9
10 9. Endorsement by Planning Board Chairman and Members, of the Certification to adopt
11 the New Boston Energy Chapter as an adjunct to the New Boston Master Plan.

12
13 The Chairman and members of the Board endorsed the above-referenced certification.

14
15 13. Memorandum received November 28, 2011, from David J. Preece, AICP, Executive
16 Director, Southern New Hampshire Planning Commission, to Nicola Strong, Planning
17 Coordinator, Town of New Boston, re: Draft 2010 Regional Comprehensive Plan, for the
18 Board's information.

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

22
23 14. Letter received December 9, 2011, from Timothy H. White, AICP, Southern New
24 Hampshire Planning Commission, to Nic Strong, Planning Coordinator, re: 2011 Traffic
25 Counting Program. (Traffic Count Data available in Planning Office)

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

29
30 15. **Read File:** Notice of Public Hearing from the Town of Greenfield, re: installation of a
31 wireless telecommunication tower.

32
33 The Chairman acknowledged the receipt of the above-referenced matter; no discussion
34 occurred.

35
36 17. Endorsement of a Site Review Agreement for Stephen C. & Denise M. Ingrando, 56
37 Woodbury Road, Tax Map/Lot #2/52, by the Planning Board Chairman.

38
39 The Chairman indicated that he would execute the above-referenced matter at the close of
40 the meeting.

41
42 7. Schedule Compliance Site Walk for Jerri Stanford & David Mann, (applicants), and 299
43 Stark Realty, (owner), NRSPP/retail business, Tax Map/Lot #18-9, 3 River Road.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

4

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 8. Schedule a Compliance Site Walk for Riverbuilt Homes, LLC, formerly Estate of
4 Katherine A. Johnston, CUP/Wetland Crossing/Bog Brook Road, Tax Map/Lot #9/76, for
5 the Board's action.

6
7 16. Schedule a Compliance Site Walk for Mark D. & Rhonda S. Luedke, (Brian M. & Beth
8 E. Stevens) CUP/Wetland Crossing/26 Hooper Hill Road, Tax Map/Lot #11/10, for the
9 Board's action.

10
11 18. Schedule a Compliance Site Walk for Stephen C. & Denise M. Ingrando, 56 Woodbury
12 Road, Tax Map/Lot #2/52, NRSPR/chiropractic office, for the Board's action.

13
14 Compliance site walks were scheduled for the four above referenced applications for
15 Saturday, January 7, 2012, time TBD. The Coordinator agreed to create a schedule of
16 approximate times for the start of each site walk and forward same to the Board via email.

17
18 **SUSAN RANGER (OWNER)**

19 **DON WHEELER a/k/a WHEELER CONSTRUCTION (APPLICANT)**

20 Submission of an Earth Removal Application/Public Hearing

21 Location: Mont Vernon Road

22 Tax Map/Lot #11/6

23 Residential-Agricultural "R-A" District

24
25 Present in the audience was applicant's representative Ed Ranger. Also present were Ron
26 and Angela Maas, Peter Shellenberger, Kevin Clinton and Gail Stout.

27 The Chairman read the public hearing notice. He noted that there were outstanding fees
28 for two missing abutters and for the owner/applicant's share of the cost of the newspaper notice
29 for this hearing. He stated that those items would be billed as a condition of approval. The
30 applicant was agreeable to making the outstanding items conditions of approval. The Chairman
31 noted that all items for a completed application had been submitted.

32
33 Peter Hogan **MOVED** to accept the Earth Removal Application of Susan Ranger
34 (Owner), Don Wheeler, a/k/a Wheeler Construction (Applicant), Mont Vernon Road, Tax
35 Map/Lot #11/6, Residential-Agricultural "R-A" District, as complete. Don Duhaime
36 seconded the motion and it **PASSED** unanimously.

37
38 The Chairman advised that the applicant had submitted a waiver request for the Traffic,
39 Fiscal and Environmental Impact Studies.

40 The Chairman asked if there was an existing driveway permit for the property. The
41 Coordinator answered that there were no State or Town driveway permits. Mark Suennen asked
42 the applicant to explain how he accessed the gravel pit. Ed Ranger stated that he accessed the
43 gravel pit by going through Mrs. Tingley's or Mr. Houghton's property. Mark Suennen asked if

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

5

1 **RANGER/WHEELER, cont.**

2
3 easements existed to allow the applicant to access the pit through Mrs. Tingley or Mr.
4 Houghton's property or if there was just a "twenty-year agreement". Ed Ranger answered that
5 he had an agreement with the property owners.

6 The Chairman indicated that a copy of the application had been sent to the Conservation
7 Commission for review on November 21, 2011; he noted that there had been no response on
8 behalf of the Conservation Commission.

9 The Chairman asked how long the applicant had been operating the gravel pit. Ed
10 Ranger answered that it had been in operation for forty years. The Chairman asked if there had
11 ever been any complaints relative to the operation of the pit. Ed Ranger answered no.

12 Mark Suennen asked for clarification that the applicant owned one ten-wheeler truck and
13 the subsequent vehicles listed in the application were owned by those hauling from the site. Ed
14 Ranger answered yes. Mark Suennen asked if there would be no more than six trips in and out of
15 the pit per day and on average about fourteen trips per week. Ed Ranger answered yes.

16
17 Mark Suennen **MOVED** to grant the Traffic Impact Study waiver request of Susan
18 Ranger (Owner), Don Wheeler, a/k/a Wheeler Construction (Applicant), Mont Vernon
19 Road, Tax Map/Lot #11/6, Residential-Agricultural "R-A" District, based on the very
20 low volume of traffic in and out of the pit and the fact that the access to the pit was
21 through two other properties that had previously had their traffic waivers approved by the
22 Board. Peter Hogan seconded the motion and it **PASSED** unanimously.

23
24 Mark Suennen asked the applicant if any oil tanks or gas cans were stored at the site. Ed
25 Ranger answered no. Mark Suennen asked for confirmation that there were no paved surfaces
26 within the site. Ed Ranger answered no.

27
28 Mark Suennen **MOVED** to grant the Environmental Impact Study waiver request of
29 Susan Ranger (Owner), Don Wheeler, a/k/a Wheeler Construction (Applicant), Mont
30 Vernon Road, Tax Map/Lot #11/6, Residential-Agricultural "R-A" District, based on the
31 fact that there were no paved surfaces and no hazardous materials were being stored in
32 the pit and that it met the spirit and intent of the Regulations. Peter Hogan seconded the
33 motion and it **PASSED** unanimously.

34
35 Mark Suennen **MOVED** to not require a Groundwater Resources Conservation District
36 CUP for Susan Ranger (Owner), Don Wheeler, a/k/a Wheeler Construction (Applicant),
37 Mont Vernon Road, Tax Map/Lot #11/6, Residential-Agricultural "R-A" District,
38 because there were no paved surfaces within the pit and no hazardous materials were
39 stored on site. Peter Hogan seconded the motion and it **PASSED** unanimously.

40
41 The Chairman asked if the reclamation bond was sufficient. The Coordinator stated that
42 currently the Town held a bond in the amount of \$56,000 and the application indicated that there
43 were only 3.8 acres open. She explained that if the Board used the old standard of \$7,000 per

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

6

1 **RANGER/WHEELER, cont.**

2
3 acre rate the bond would be significantly lower than \$56,000. Mark Suennen asked the applicant
4 if he was aware of where the \$56,000 bond amount came from. Ed Ranger answered that it was
5 the bond that Mr. Wheeler had always had. Mark Suennen asked if the applicant had a current
6 estimate for the cost of reclaiming the current open areas. Ed Ranger answered no. Peter Hogan
7 asked how many acres were open. Ed Ranger answered about four acres were open. Mark
8 Suennen asked if the applicant expected to maintain four open acres. Ed Ranger answered yes.
9 Mark Suennen suggested a bond in the amount in \$28,000, (\$7,000 per acre). Peter Hogan
10 believed that a bond in the amount of \$28,000 was too high. He noted that the Board had been
11 using the calculation of \$3,500 per acre for other similar pits. Mark Suennen asked if the
12 applicant was agreeable to the requirement of a \$14,000 bond. Ed Ranger indicated that he was
13 in favor of the \$14,000.

14
15 Mark Suennen **MOVED** to authorize the applicant to reduce his bonding down to
16 \$14,000 upon the next renewal period, June 1, 2012. Peter Hogan seconded the motion
17 and it **PASSED** unanimously.

18
19 Mark Suennen proposed that the end date for the gravel pit be January 1, 2037, based on
20 the calculation of 1,000 yards removed per year, 20,000 yards left in the pit with a five year
21 buffer. Ed Ranger agreed with Mark Suennen's proposal.

22 The Chairman asked for further comments and/or questions; there were no further
23 comments or questions.

24
25 Mark Suennen **MOVED** to approve the Earth Removal Application with associated plans
26 entitled "Gravel Excavation and Restoration Plan Map 11/Lot 6 Joan Wheeler NH Route
27 13 Town of New Boston Hillsborough County, New Hampshire", dated 5/16/08, along
28 with a two-page document entitled "Addendum & Attachment for Application Review
29 11/23/11", three single page additions to the Addendum & Attachment document dated
30 12/16/11, a hand drawn sketch entitled "Typical Reclamation and Slope Cross Section,
31 Maximum slope 2 to 1", and a color coded sketch of the pit area received November 21,
32 2011, said additional information to be attached to and considered part of the approved
33 plans, and to grant an Earth Removal Permit, to include the site specific items discussed
34 at this hearing, subject to:

35
36 **CONDITIONS PRECEDENT:**

- 37 1. Submission of revised plans that include all checklist corrections and any
38 corrections as noted at this hearing.
39 2. Submission of any outstanding fees.

40 The deadline for complying with the conditions precedent shall be **February 20, 2012**,
41 the confirmation of which shall be an administrative act, not requiring further action by
42 the Board. Should compliance not be confirmed by the deadline date, and a written
43 request for extension is not submitted prior to that date, the applicant is hereby put on

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

7

1 **RANGER/WHEELER, cont.**

2
3 notice that the Planning Board may convene a hearing pursuant to RSA 676:4-a to revoke
4 the approval.

5
6 **CONDITIONS SUBSEQUENT AND ONGOING:**

- 7 1. Prior to the granting of any permit, or to the removal of any topsoil or other
8 overburden material from a new area within an existing excavation site, the
9 Applicant shall submit to the Regulator an acceptable bond with sufficient surety
10 as determined by the Regulator. The purposes of the bond are to guarantee
11 reclamation of the area and compliance with the permit. The surety must be
12 phased to coincide with the phasing of work, in an amount sufficient to guarantee
13 reclamation of the applicable section, to be released as sections are completed.
14 Prior to a new section being opened, new securities shall be posted. The surety
15 shall not be released until the Regulator is satisfied that all conditions of the site
16 reclamation plan have been complied with. This shall be determined at a final site
17 walk by the Regulator and/or its designee.
- 18 2. Amendments and Renewals
19 Permit holders wishing to alter the size or location of the excavation, the rate of
20 removal or the plan for reclamation shall apply for a renewal or amendment,
21 following the same procedures as those required for the original excavation
22 permit.
- 23 3. The Earth Removal permit is not transferable without the prior written consent of
24 the Regulator.
- 25 4. A copy of the Earth Removal permit shall be prominently displayed at the site or
26 the principal access to the site.
- 27 5. Inspections
28 The Regulator or its designee may make periodic inspections, minimally on an
29 annual basis, of all excavation sites, both permitted and exempt, to determine if
30 the operations are in conformance with the New Boston Earth Removal
31 Regulations and the approved plans.
- 32 6. Hours of operation
33 Start up time for all machinery associated with an Earth Removal Operation shall
34 be no earlier than 6:45 a.m. in cold weather only; in warm weather start up time
35 for machinery shall be no earlier than 7:00 a.m.; activity of any kind, including
36 loading and removal of material from the site shall begin no earlier than 7:00
37 a.m.; termination of removal of material from the site shall be no later than 5:00
38 p.m.; processing of materials shall begin no earlier than 7:00 a.m. and must be
39 shut down by 5:00 p.m. These operating hours shall be for Monday through
40 Saturday.
41 No operation shall take place on Sundays and major Federal holidays, as follows:
42 New Year's Day, Memorial Day, 4th of July, Labor Day, Thanksgiving and
43 Christmas; provided, however, that access on Sundays and holidays is permitted

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

8

RANGER/WHEELER, cont.

in the event of a town-wide emergency situation requiring use of material or equipment, for example, flooding situations, ice storms, major blizzards.

7. **Maximum Excavation Limit**

Final excavation grade shall be not less than four feet to documented seasonal high water table, provided, however, that pursuant to RSA 155-E:11,II, an exception shall be granted if the application demonstrates to the Regulator's satisfaction that excavation below this height will not adversely affect water quality. The Regulator reserves the right to have an outside review of the information submitted as part of any proposal to excavate within four feet of the documented seasonal high water table, at the Applicant's expense. Written notice of such an exception shall be recorded in the Hillsborough County Registry of Deeds at the Applicant's expense, and one copy shall be filed with the New Hampshire Department of Environmental Services.

8. **Waste Disposal**

No disposal of any waste material, including solid and/or hazardous waste, septage, dredge spoils, or refuse shall be undertaken on the site without appropriate State approval under RSA 149:M, or other appropriate State regulations.

9. **Tree cutting**

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

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

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

11. **Applicant shall submit one copy of any plans or reports that are approved by the NH DES Alteration of Terrain Bureau within 30 days of said approval.**

SITE SPECIFIC PERMIT CONDITIONS:

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

Route 13 to Route 101 - 114

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

10 - wheeler

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

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

9

1 **RANGER/WHEELER, cont.**

2
3 Loader

4
5 D. Requirements for material processing

6
7 Screener

8
9 E. Requirements for temporary stockpiling of offsite materials

10
11 N/A

12
13 F. Required plantings for reclamation

14
15 Plans show typical details for loaming and seeding

16
17 G. Other requirements

18
19 N/A

20
21 The Earth Removal Permit is valid until such time as the Regulator determines the Earth
22 Removal Operation is no longer in compliance with the New Boston Earth Removal
23 Regulations; or, until such time as the operation shall be deemed to be abandoned as
24 defined in the Earth Removal Regulations; or, until such time as the owner informs the
25 Regulator that they will no longer be running the Earth Removal Operation; or, until such
26 time as the operation is depleted; or, until the completion date as determined by the
27 Regulator in the regulatory process, in accordance with RSA 155-E:8, in this case
28 **January 1, 2037**, whichever first occurs.

29
30 Don Duhaime seconded the motion and it **PASSED** unanimously.

31
32 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
33 **DECEMBER 20, 2011, Cont.**

34
35 10. Email received December 5, 2011, from Emile Bussiere, Jr., Esquire, SIB Trust, to
36 Shannon Silver, re: request for bond reduction, Wetland Crossing, Tax Map/Lot #12/93-
37 38, Susan Road, for the Board's action.

38
39 The Coordinator explained that rather than requesting a Compliance Hearing, as it would
40 not be granted based on uncompleted items, the applicant was requesting a bond reduction for
41 items that had been completed.

42 Peter Hogan asked for confirmation that the correct placement of the riprap had not been
43 done. The Chairman confirmed that the riprap had been done correctly. He went on to say that

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

10

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 the applicant had stabilization and other finishing items to clean-up. Peter Hogan noted that
4 incorrect placement of the riprap could dramatically affect the fill and pipe work. Mark Suennen
5 explained that the riprap was in the stream bed and not on the slopes. He continued that the
6 slopes still needed true stabilization. He stated that the applicant was using a different headwall
7 than that proposed in the original bond estimate and fine grading and stabilization needed to be
8 completed. Peter Hogan asked if the pipe was completed. Mark Suennen answered that it was,
9 and noted that clearing, grubbing, excavation, ledge removal, pipe, and headwalls had been
10 completed. He pointed out that the headwalls used were not the ones approved by the Board and
11 in fact were more expensive. Dwight Lovejoy explained that the headwalls used provided
12 longtime upkeep and had been suggested by the Road Agent.

13 Peter Hogan stated that the Board needed to keep in mind that should the lack of
14 stabilization go bad the Town needed to have enough money to fix any problems.

15 The Coordinator stated that the items left to be completed totaled \$3,009.64. Peter
16 Hogan asked for the current amount of the bond. The Coordinator noted that \$19,465.56 was the
17 current bond and that her \$3,009.64 figure did not include a 10% contingency. Mark Suennen
18 asked for confirmation that the Town could maintain the contingency amount. The Coordinator
19 answered yes.

20 The Chairman asked how the Coordinator came to the determination that \$3,009.64 was
21 the amount needed to complete stabilization. The Coordinator listed the following:

- 22
- 23 • Grading \$62.08
 - 24 • Silt Fence \$625.00
 - 25 • Erosion Control \$457.00
 - 26 • Riprap \$210.00
 - 27 • Loam & Seed \$1,655.56

28 Peter Hogan asked if the \$3,009.64 was the amount left to stabilize the project. The
29 Coordinator answered yes and added that the applicant had a stable road base with construction
30 sides waiting to be finished. She noted that the only area to be looked at was the area of the
31 wetland crossing and all that needed to be completed was fine tuning the slopes around the edges
32 and getting loam and seed to grow. She continued that the applicant would not do the loam and
33 seed until they finish the whole road.

34 Peter Hogan reiterated that he was concerned with potential damage caused due to
35 stabilization not being completed and the cost exceeding the amount of the reduced bond. Mark
36 Suennen stated that DES would pull their permit if the applicant was not able to maintain the
37 project.

38 Peter Hogan suggested adding an additional \$5,000 plus 10% contingency to the
39 remaining \$3,000 to complete the stabilization for a total of \$8,800.

40 Peter Hogan asked for an explanation of why silt removal was on the list of items not
41 completed. The Coordinator stated that there was a little silt built up near the end of the culvert
42 that needed to be cleaned out.

43 David Litwinovich agreed with Peter Hogan and believed that adding an additional
\$5,000 to the remaining amount gave the Town insurance that the items would be completed if

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

11

1 **MISCELLANEOUS BUSINESS, cont.**

2
3 the applicant decided to walk away from the project.

4 Mark Suennen stated that Peter Hogan had convinced him to add an additional \$5,000 to
5 the remaining \$3,000 for any potential costs that Town may incur if the applicant defaulted on
6 his permit.

7 Don Duhaime agreed with Peter Hogan's suggestion.

8
9 Peter Hogan **MOVED** to reduce the bond for Emile Bussiere, Jr., Esquire, SIB Trust,
10 Wetland Crossing, Tax Map/Lot #12/93-38, Susan Road, to \$8,800. Don Duhaime
11 seconded the motion and it **PASSED** unanimously.

12
13 **This will be an informational session with Pete Shellenberger, Ecosmith Recyclers, Inc., to**
14 **discuss construction of a warehouse facility on Tax Map/Lot #6/40-1-1, Byam and River**
15 **Roads.**

16
17 Present were property owner and applicant Peter Shellenberger and Ken Clinton, LLS.
18 Also present were Ron and Angela Maas, Gail Stout, and Jay Marden.

19 The Chairman advised that the above-captioned matter was an informational session by
20 Peter Shellenberger relative to the proposed use of the property for construction of a warehouse
21 facility. He pointed out that because this was an informational session it was a preliminary
22 conceptual consultation and nothing said would be binding to the applicant and/or the Board.

23 Peter Shellenberger introduced himself to the Board and stated that he owned the
24 company Ecosmith Recyclers that was currently located in Londonderry, NH. He explained that
25 he was a twenty-five year resident of New Boston and was interested in relocating his company
26 to New Boston.

27 Peter Shellenberger provided the Board with a conceptual design for a building. He
28 informed the Board that his company collected used clothing from various non-profit and
29 charitable organizations, repackaged it using a baling press and shipped the condensed clothing
30 overseas to third world countries. He pointed out that his baler was the same model that was
31 used at the New Boston Transfer Station and that he did not do any sorting or grading of the
32 clothing nor use any chemicals or mechanical means to condense the clothing apart from the
33 baler.

34 Peter Shellenberger indicated that he utilized two twenty-four foot Ryder type diesel
35 trucks and one eighteen foot Isuzu diesel truck. He explained that generally one truck would
36 leave the facility in the morning and would return in the afternoon. He noted that during the past
37 year he had sent out one overseas container load per week.

38 Peter Shellenberger informed the Board that he had eight employees, five of which were
39 family members. He continued that the three non-family member employees resided in New
40 Boston, Weare and Manchester.

41 Ken Clinton of Meridian Land Services introduced himself to the Board and indicated that
42 his company would be assisting Mr. Shellenberger with the formal application. He stated that he
43 had prepared a simplistic concept that did not exceed the level of what was appropriate for an

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

12

1 **SHELLENBERGER, cont.**

2
3 informal session. He referred the Board to a handout and stated that the first page was an aerial
4 view of the property with property lines overlaid and a proposed location for the building. He
5 noted that Mr. Shellenberger intended on using gravel within the site and was not looking to
6 pave all the accesses. He advised that the proposed building was about 5,000 s.f. and identified
7 the surrounding properties.

8 Ken Clinton explained that the cabinetry business on the corner of Byam Road and River
9 Road was zoned Industrial while the gravel pit off Byam Road was zoned Residential-
10 Agricultural as well as Commercial.

11 Ken Clinton referred the Board to the second page of the handout that showed a
12 conceptual drawing of the proposed building. He noted that the building had three loading bays
13 in the back. He explained that tractor trailers would be able to back up to the bays.

14 Ken Clinton stated that through use of the Zoning Ordinance, Non-Residential Site Plan
15 Regulations and the Town of New Boston Commercial Design Guidelines they tried to hit as
16 many points with the simplistic concept as possible. He noted that the surrounding residential
17 properties had been taken into consideration.

18 Ken Clinton asked how the Board might handle the landscaping requirements, noting that
19 the regulations specify 25' for a landscape buffer and provide criteria for placement of trees and
20 shrubs. He noted that the road right-of-way that had been left for future access to backland
21 required slope easements onto the Shellenberger property back to the 25' mark. Ken Clinton
22 went on to say that they could not provide any plantings in the easement area. He wondered if
23 the landscape requirements being addressed in the Zoning Ordinance meant that the Planning
24 Board had no flexibility with regard to landscaping and screening commercial properties and
25 asked if the Planning Board had the flexibility to determine what could be considered sufficient
26 landscape buffer. Dwight Lovejoy asked if the applicant intended on "putting something in" as a
27 buffer. Ken Clinton answered that putting in a buffer was not an option but an absolute
28 requirement per the Town's Regulations. He continued that they needed to accommodate the
29 buffers and sight lines, especially with respect to the Maas' property as they were the most direct
30 abutter. He explained that planting trees in the location that the Ordinance specified did not do
31 the job and that he was seeking clarification on whether or not this was a matter for the Planning
32 Board or the ZBA. He noted that he did not have an expectation that the Board would have an
33 answer this evening but asked that Board consider the matter and get back to them.

34 Peter Hogan stated that it was his understanding that the Planning Board could not
35 eliminate a buffer but he believed that design and function of the buffer was under the
36 jurisdiction of the Planning Board.

37 Peter Hogan noted that the buffer could currently be built but asked if it would be
38 covered with the construction of a road. Ken Clinton answered yes. He explained that if the
39 buffer was installed to the 25' buffer the sight line from the back deck of the Maas' house would
40 be higher than any buffer planted. He stated that he was sensing that the Board may be able to
41 determine if the buffer was sufficient along the property line as long as there was enough
42 landscaping planted within the interior of the property.

43 The Chairman pointed out that this was an informational session and that the question

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

13

1 **SHELLENBERGER, cont.**

2
3 was duly noted and the Board would provide a more thought out answer at a later time.

4 Ken Clinton stated that with regard to parking there were only a certain business types
5 that had specific ratios for spaces per square foot, i.e., one space per 250 s.f. or one space per 300
6 s.f. He went on to say that the building would be a warehouse with eight employees, three full
7 time and five part time. He indicated that he would be seeking consideration for one parking
8 space per 500 s.f. He stated that by requiring one space per 500 s.f. there would be ten parking
9 spaces.

10 Mark Suennen asked if the applicant was intending on requesting more or fewer spaces
11 required by the Regulations. Ken Clinton explained that the Town's Regulations did not account
12 for warehouse use. He added that customers did not go to the warehouse as there were no retail
13 sales. He continued that Mr. Shellenberger did have one customer who would visit the
14 warehouse to select different textile materials. He believed that twelve spaces were more than
15 adequate.

16 The Chairman asked to review some of the information that had been provided to the
17 Board. He asked if feeder trucks would leave the facility daily to pick stuff up and bring it back
18 to the warehouse. Ken Clinton answered that one to two box trucks per day would leave the
19 facility. The Chairman asked how often the tractor trailers would visit the warehouse. Ken
20 Clinton answered that the tractor trailers went to the warehouse once per week. He added that
21 the tractor trailers were immediately loaded upon arrival and sent out. Peter Shellenberger noted
22 that he did have one trailer that stayed at the facility and was only hauled away once a month and
23 immediately returned.

24 The Chairman asked for confirmation that there were three full time employees and five
25 part time employees. Peter Shellenberger confirmed the number of employees. The Chairman
26 asked for part time to be defined. Peter Shellenberger stated that part time was less than thirty
27 hours of work per week. He noted that there were never more than three employees present at
28 the same time. He explained that his truck driver picked up one of the trucks in the morning and
29 immediately left to pick up clothing, returning around 2:00 p.m. Ken Clinton pointed out that
30 the fulltime truck driver would leave his personal vehicle at the facility while he was making his
31 pick-ups. Peter Shellenberger stated that his children and their friends do the baling from 10:00
32 a.m. to 6:00 p.m. He noted that all of the baling was done in the interior of the building.

33 The Chairman asked for confirmation that there were no walk-in sales. Peter
34 Shellenberger indicated that there were no walk-in sales and that all of his current customers
35 were located overseas. He added that he conducted all of his business via the internet and that
36 some of his customers may visit the facility once or twice per year.

37 The Chairman asked about the stakes he had seen when driving by the property. Ken
38 Clinton answered that the two stakes together marked stone bounds that were set at the rounding
39 of the abutting right-of-way strip; he pointed out the location on the aerial picture.

40 Ken Clinton asked if it would be strongly recommended by the Board that the next step
41 following would be to complete the Design Review process or to move forward with a full
42 design to start the public hearing process. The Chairman answered that the risk was the
43 applicants' to take. Ken Clinton asked if the Board would be able to give their two critical

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

14

1 **SHELLENBERGER, cont.**

2
3 questions, i.e., landscaping and parking, a definitive answer during Design Review. The
4 Coordinator answered yes.

5 Ken Clinton commented that most of the current design met the Regulations without the
6 need for waivers. He continued that they were comfortable with moving forward to the Design
7 Review process.

8 The Chairman asked if the trucks would always access and exit the warehouse from River
9 Road to Byam Road. Ken Clinton answered yes that the tractor trailers and box trucks would use
10 River Road to Byam Road. He pointed out the proposed access location.

11 Ken Clinton stated that he was aware that an official site walk could not yet be scheduled
12 but he indicated that he would mark the proposed building corners and driveway entrance and
13 welcomed the members to view them.

14 Peter Hogan asked if the front of the proposed building faced Byam Road. Ken Clinton
15 answered yes. The Chairman asked which side faced the Maas' property; Ken Clinton pointed
16 out the location in question using the conceptual design drawing.

17 The Chairman asked if the balers generated a lot of noise. Peter Shellenberger stated that
18 at his current location the building was made of concrete with no insulation and the baler could
19 not be heard from outside. He indicated that the proposed building would be made of steel on
20 the outside, six inches of insulation, steel on the inside as well as a ceiling. He stated that he did
21 not believe that the baler would be heard from the outside of the building. He reiterated that the
22 baling typically did not begin until 10:00 a.m. The Chairman asked when the baling typically
23 ended. Peter Shellenberger stated that he currently did not have typical hours. He explained that
24 his current building was located next to the Manchester Regional Airport and as such he did not
25 have any restrictions. He stated that generally there would be eight to ten hours of pick-up and
26 six to eight hours of baling. Ken Clinton noted that they would provide proposed hours
27 operation.

28 David Litwinovich asked if donations would be accepted at the facility. Peter
29 Shellenberger answered no. Ken Clinton asked how many drop-off containers were maintained
30 by Ecosmith Recyclers. Peter Shellenberger answered that he had about 80 containers and an
31 additional 25 accounts. Ken Clinton asked where the closest container to Tax Map/Lot #6/40-1
32 was located. Peter Shellenberger answered that they were was located in Goffstown on Mast
33 Road, across from Sullys, at Shaws and at Hannaford. He noted that he gave between 10% and
34 18% of his gross income back to the local communities.

35 Peter Shellenberger noted that his business was very "green". He explained that they did
36 not create any hazardous waste, they did not use any water for the processing and they removed a
37 lot of waste that would otherwise be placed in the waste stream. He invited that Board to view
38 his website for more details. He stated that it was his intention to construct the building as
39 "green" as they possible could through insulation and radiant heat.

40 Peter Hogan asked for the size of the proposed building. Peter Shellenberger answered
41 that the building was 5,200 s.f. Peter Hogan asked for the dimensions of the proposed building.
42 Ken Clinton answered that the dimensions for the proposed building were 54' x 96'. Peter
43 Hogan asked if the position of the building was favorable to future expansion or an additional

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

15

1 **SHELLENBERGER, cont.**

2
3 building. He explained that he was asking because the lot was zoned Commercial and years ago
4 the Board had looked at the area and it seemed to be good spot for another commercial business.
5 He continued that he would not want to see the proposed building placed in the middle of the lot
6 thereby preventing the owner from adding an additional building for expansion of the business or
7 for another commercial use on the property. Peter Shellenberger noted that he had discussed this
8 issue with Ken Clinton, however, it was not currently his intention to expand. He stated that he
9 had been operating in 5,000 s.f. since 1994. Ken Clinton added that they had considered
10 expansion possibilities. Peter Shellenberger stated that they tried to give as much room as they
11 could between the proposed building and the Maas' home as they seemed to be the most directly
12 affected. He noted that the proposed building would be well within the setbacks. Peter Hogan
13 cautioned the applicant from constructing the proposed building in the center of the lot. He
14 stated that he understood the applicant wanted to keep the proposed building as far away from
15 the abutters as possible to prevent them from making any objections. He continued that the
16 abutters did not have a vote but it was the responsibility of the Planning Board to ensure that the
17 lot was properly utilized and that a buffer was properly installed. He added that the Planning
18 Board would make sure that the abutters were protected as that was also their responsibility.

19 The Chairman asked for additional comments and/or questions from the Board; there
20 were no further comments or questions.

21 The Chairman asked for comment and/or questions from the audience. Gail Stout of 119
22 Old Coach Road asked if the entire lot in question was zoned Commercial. Ken Clinton
23 answered no and identified the commercial area of the lot on his aerial picture. Gail Stout stated
24 that she had reviewed a Warrant Article from 2004 that indicated that the Planning Board had
25 voted in favor of the petition being placed on the ballot that changed the lot from a Residential
26 lot to a Commercial lot on the basis of the property's location on a State Highway. She believed
27 that it was the intent of the Planning Board to create an access off River Road. Dwight Lovejoy
28 explained that the State would not allow for another curb cut off River Road for this property.

29 Gail Stout indicated that she had more questions regarding lighting and hours of
30 operation but would wait to ask them until a finished product was presented. Peter Hogan stated
31 that lighting was not allowed to extend beyond the applicant's property. He also indicated that
32 the business needed to be shielded from abutters' views.

33 Gail Stout asked if the applicant had a prepared buffer plan. Ken Clinton answered that
34 they did not have a buffer plan yet. He added that they were taking into account the elevation of
35 the Maas house.

36 Gail Stout asked if the applicant had another facility other than the one at the
37 Londonderry location. Peter Shellenberger answered no. He noted that he collected 90% of his
38 material from New Hampshire and less than 10% in Massachusetts.

39 Gail Stout noted that the Maas' had some safety concerns as they had young children.
40 Peter Shellenberger stated that the majority of the traffic would be coming from River Road.
41 Ken Clinton stated that some employees may use Bedford Road to get to work.

42 Gail Stout asked if construction would begin in the spring in approval was granted. Peter
43 Shellenberger stated that they wanted to begin construction sooner rather than later.

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

16

1 **SHELLENBERGER, cont.**

2
3 Gail Stout asked the Maas' if they had any concerns to share. Angela Maas' answered
4 no. Peter Hogan welcomed comments to be shared with the Board as they would be able to think
5 about them. The Planning Board Assistant advised that the Maas' submitted their concerns
6 through a letter. Ken Clinton stated that they had committed to notifying the Maas' during the
7 process even though they were not technically or legally direct abutters.

8 The Chairman asked if the applicant would be moving forward with the Design Review
9 process. Ken Clinton answered yes.

10
11 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
12 **DECEMBER 20, 2011, cont.**

13
14 11. Discussion, re: procedural change for Conditional Use Permit compliance.

15
16 The Coordinator noted that the Planning Board Assistant had recently asked a question
17 regarding Conditional Use Permits that was something the Board should consider.

18 The Planning Board Assistant explained that with regard to Stormwater Management
19 Plans there was a process in place that required that an engineer submit an adherence statement
20 that stated work had been 100% completed so the bond could be released or work had, for
21 example, been 90% completed and a portion of the bond could be released. She questioned why
22 the same procedure was not used for Conditional Use Permits. She stated that by using this
23 process for Conditional Use Permits the Board's site walks could be eliminated as well as the
24 responsibility of the Board to determine what portion of bonds should be released or not.

25 The Chairman stated that he did not have any history on why the process was not the
26 same for both Stormwater Management Plans and Conditional Use Permits. The Coordinator
27 stated that process for Stormwater Management Plans had been created in 2007 or 2009 and the
28 process for the Conditional Use Permits had been done in 1990 and had not been addressed
29 since.

30 Mark Suennen stated that the Board did not have the technical ability to review
31 Stormwater Management Plans and believed that the Board may also not have the technical
32 ability to ascertain that a culvert had been installed correctly.

33 Mark Suennen stated that applicants would appreciate paying their own engineer to not
34 have to wait for the Board to schedule, conduct a site walk and have a meeting. The Coordinator
35 noted that this process would eliminate the need for a Compliance Hearing and the matter would
36 be addressed under Miscellaneous Business.

37 The Chairman asked if the Coordinator would be able to put together documentation that
38 would reflect this change for the next meeting. The Coordinator answered yes.

39 The Chairman asked for the members to think about this matter and be ready to make a
40 decision at the next meeting.

41
42 12. Email copy dated December 8, 2011, from David Preece, AICP, Southern New
43 Hampshire Planning Commission, to Brent Armstrong, re: Southern New Hampshire

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2011 Meetings**

December 20, 2011

17

1 **MISCELLANEOUS BUSINESS, cont.**

2

3 Broadband Stakeholders Group – Need Your Assistance, for the Board’s review and
4 discussion.

5

6 Mark Suennen asked what David Preece was looking for in a member/candidate/
7 volunteer. The Coordinator answered that he was looking for someone with good
8 communication skills and an interest in broadband and the internet. Mark Suennen asked if
9 communication skills referred to speaking or writing reports. The Coordinator answered that she
10 was unsure.

11 The Chairman stated that this matter had been discussed at a planning/training event he
12 had attended and seemed to target rural areas that did not have broadband. He stated that it was
13 unclear if this issue would apply to the Town of New Boston.

14 The Chairman asked if Mark Suennen was interested in attending the first meeting. Mark
15 Suennen advised that he would be out of the country for most of January when the first meeting
16 would take place.

17 The Chairman asked the Coordinator to confirm when the first meeting would be taking
18 place and he would see whether or not he would be able to attend.

19

20 Don Duhaim **MOVED** to adjourn the meeting at 8:13 p.m. Mark Suennen seconded the
21 motion and it **PASSED** unanimously.

22

23 Respectfully Submitted,
24 Valerie Diaz, Recording Clerk

Minutes Approved:
01/24/2012