



# Newton Planning Board

## Public Meeting Minutes

January 9<sup>th</sup>, 2024



The Newton Planning Board public meeting was called to order at: 7:02PM

Present were Mr. Moran, Mr. Marchand, Ms. Eddy, Mr. Ryan, Mr. Eddy, and Alternate Mr. Gibbons.

Also Present: James Doggett – PB AA

Present via Zoom, Ms. White, and Ms. Rowden - Circuit Rider.

Chairman Moran led the salute to the Flag.

### 1. Public Hearings

***A. Saivash & Diane Mahalati requests a public hearing for a Home-Based Business (Landscaping) at 65 N. Main Street, Newton NH. The property is referenced as Tax Map 10, Block 10, Lot 8-1***

Chairman Moran asked Ms. Rowden for her input.

Ms. Rowden stated, I do think it is a complete application for jurisdiction I just want to verify with the applicant the size of any trailers they may have or any other equipment that they may want to store outside simply because of the flux that the town is in currently with the homebased business in that 12,000 gross vehicle weight and the zoning proposal that is to allow it to go up to 26,000 gross vehicle weight so there might be a little bit of a comment that I will have depending on their answer but that is just the one item I wanted to address with them. Based on a review of our regulations currently right now the largest vehicle by weight a homebased business is allowed to have is 12,000 pounds and in March if the Town votes to approve we have an amendment or revision to our zoning regulations to increase that to 26,000 lbs. Basically just below a CDL so up to 26,000 lbs. The newer vehicles are able to carry more weight that still or like a traditional one ton.

Mr. Moran asked Mr. Mahalati to present his application.

Mr. Mahalati stated this is the same application for the same home business that was approved previously in our previous location in Newton. We moved to this location, everything about the nature of the business as well as the equipment is the same except this location is more accessible, being on the Main Street. If you have noticed that lot there

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is a tree line that I maintain that we are going to expand so nothing  
From the street. The few equipment that we have is not going to be visible and that is  
basically it I appreciate your time.

Mr. Moran stated based on that I need a motion to take jurisdiction of their application.

Mr. Marchand **MOVED** to find the application complete and take Jurisdiction.  
Ms. Burke seconded the motion.

Mr. Moran asked A.A. Doggett to call the roll.

Ms. White - Aye, Mr. Eddy – Aye, Mr. Marchand – Aye, Ms. Burke– Aye, Ms. Eddy – Aye,  
Mr. Ryan – Aye, Mr. Moran – Aye            The vote was **UNANIMOUS**.

Mr. Moran asked Ms. Rowden if they are allowed to, for working hours on a Saturday they  
can go from say 8:00 a.m. To 5:00 p.m. Correct.

Ms. Rowden replied that is what is in their application there is nothing in the town  
Regulations that would prohibit a longer period but for their application they propose from  
8:00 a.m. To 5:00 p.m. On Saturdays.

The Board discussed hours of operation.

Sandra Estabrook ( resident of Newton and chair of the conservation commission) I  
believe this property backs up to the bush Farm property so we at conservation did not see  
the notice of the abutters, but I do not know if someone saw it, or somebody saw it  
because it does butt up to the Bush property. so I did not know if you could clarify that if  
anyone got a notice.

Ms. Rowden stated that went to the town.

Ms. Estabrook replied so who would look at that, selectman, us on Conservation, Planning  
Board.

Ms. Rowden responded it depends who technically holds the easement, if it is the town  
that holds the easement, then it should go to the town, if it specifies Conservation  
Commission, which it may or may not, then it would need to go to you.

Ms. Estabrook stated I think it might say conservation, so we have not seen that yet so we  
are having a meeting tomorrow night so maybe we will see it then so that was my concern  
about he said he was not going to clear anymore in the front to the road, but he might clear  
to the back.

Mr. Mahalati interjected, no we have no intention of cleaning the back at all.

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Ms. Estabrook continued, okay so well that was my concern because where it does back up to the Bush Property a lot of people walk out there so I did not want the site to be able to see if he is going to be storing things in the backyard or wherever that they would be inside of the Bush Farm Property so I do not know if you can specify that he leaves a buffer there or where he packs the equipment I think three or two different spots say that there should be no outside operation storage or display of materials so I do not know if he is storing the trailers and I do not know is it you know compacting one said compacting equipment the other one said just trails with I do not know is it landscaping or is it construction. On the application I thought it said some construction so that was my question on that. Where he is going to store and if it should be outside displayed and then the hours, it is a residential area it is a special permit to have a business in a residential area, so I do not know if you can tighten up on the hours as I know if I were next door I do not think I would want clanging and banging at 7:00 in the morning or on a Saturday at 7:00 in the morning then trucks and stuff coming in and out of there till 7 at night either, and just you know the public passing on that that is the main road you know back and forth so that is just a few things I would like you guys to consider.

Mr. Marchand stated there would be no building on site there the only thing they are doing would be storing their vehicles so the only thing they would be doing is driving them off the whole intention is the purpose of when somebody gets the business like that is so that they can register their vehicles in the state of New Hampshire to where they live when we do a homebased business we do not allow them to do any type of work any type of construction on that site. The only thing that they would be able to store would be their trailers and if they had a bobcat a bobcat would be permitted on the trailer but as far as like any type of building materials or all that that is not allowed onsite site.

Mr. Ryan stated I understand there is a concern about because you do not start loading the truck at 7 so you take off out of the driveway 7 so there is going to be a certain amount of loading the truck and getting them equipment ready, so I think I do not think it is an it is a tough request to just push it off to 8 o'clock on Saturday morning just for the sake of your neighbors you know it is the time that he recommended that he requested anyway so it might make the neighbors feel like this be a better fit for where they all live.

Mr. Mahalati stated I did not say that I we going to clear our trees in the front, I kept the tree line which separates the equipment from the streets, and there is a proposed certified plan which shows there is a garage going to be built you know I mean I gave that to Jim so there is not only a tree line pretty thick in front of the parking area where we have these a few equipment we also planning to build a 40 by 30-foot storage very nice-looking thing which is behind the tree lines to store, you know the skid and the mini excavator that is all we have the compactor is a hand compactor is a little one we basically when we get a job which is hardscaping we do hardscaping, laying sidewalks and things like that we order the material to be delivered to the site so no material is coming to our site, so my house is going to be one of the nicest you know lawns That you are going to see there and so everything is going to be delivered to the customer this is going to have a beautiful picket fence rose bushes and everything to show off so a customer may drive by to look at what

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sort of a you know yard we maintain to give us a potential position job to go to their site so nothing no material is going to come no trucks going to come to our site and we are going to just basically go to the site leave our equipment complete the job bring the equipment.

Mr. Ryan stated I have a question, I appreciate all the details, what is a compact.

Mr. Mahalati replied a compactor, when you laid a walkway with the pavers you need to pack the material under it the stone dust or whatnot. Which is equipment not that big Compactor, you know it is a hand vibrator. With a very long driveway it is about 260-270 yard in fact, the electrical company they said they had to have a post there to get you know electricity to our house so loading our trailer is not going to be disturbing any neighbors there is no Neighbors in the site because we are way back there, and we have no intention to infringe the that area the town owns in fact I am going to put a fence there you know on our yard so and pry that beautify it so now we have no intention to go you know into that area at all no equipment is going to be there no storage nothing like that.

Mr. Moran added I was just looking into our records of the town, and it appears that the town owns that parcel with no information going directly to the Conservation Commission. Jen do you have anything to add to that I know you also looked it up.

Ms. Rowden added I was looking on the town GIS and that is the case with that as well it is town of Newton it is not Newton Conservation Commission I pulled the Assessor's card just to double check.

Mr. M. Mahalati asked, a question, I am the son. I just like to point out for the conservation issue that when we had the lot developed that the tree company That cleared the lot and they cleared everything, that we could do on the property. So there is nothing else to drop behind the house towards the conservation. Everything is already as it will be aside from you know finished landscape saying the property

Mr. Moran asked just to clarify on the vehicle weight. Right now everything you are planning is at the 12,000 or below.

Mr. M. Mahalati responded, the trucks are 11,000 and the trailers were 14,000 so they stay combined under CDL limit of GVW 26,000lbs, and they were previously approved at Nordic wood for the same the same two trailers equipment trailer and dump trailer.

Ms. Rowden stated, Dennis just one other thing if they are going to be stored inside that also eliminates the vehicle weight.

Mr. M. Mahalati rejoined we are going to put them to the side like between the tree line and the shop or like the garage detached garage so I do not think they would be visible from any of the abutters, the street, or the conservation area but we plan to plant like a row of like white pines to further build the tree line.

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Mr. Marchand commented the trailer weight that you are saying is the trailer plus What you would have on top of it, correct. He is that is not the singular weight we went through this before the singular weight of the trailer is less than 12,000 lb. It is like 4,000 right so it is 4,000 and then that would be with the equipment on it would add the weight to it so it would be under the 12,000 limit yep so you would be covered and be able to do what you are talking about parking next to the garage. You would not have to park inside.

You any other question so we had just for circling back 7 to 7 Monday through Friday, Jim you brought up 8 to 7 on Saturdays that is what he requested That is fine that is fine any other questions comments from anybody.

Ms. Estabrook commented I was just thinking it is a landscaping business with mowers Like I think they do hardscaping just hardscaping so pavers all right so I am interested to know like on these trailers these vehicles is it diesel fuel could there be possibly leakage of oil, gasoline, or fuel while they are being parked in certain areas stuff like that that you know they should be careful of like is it going to be on what kind of soil surface are they going to be pocking all these vehicles on and you know maintenance like stuff like that oil leakage.

Mr. Marchand stated that not allowed on-site, maintenance has to be done at a shop Maintenance so that I do not know if should make that a condition that no maintenance are outside already put in place

Ms. Estabrook went on, just like leakage from you know whatever being parked there and stuff like that is it going to be on like gravel does it specify like what he is packing Them on.

Mr. Marchand replied it is kind of tough to say because you if you go around through town you got all those vehicles any vehicle parked that could leak oil

Ms. Estabrook added part of his plan should show where I think he is going to park stuff and what kind of soil it is going to be parked on I could not really see it in the application he put online so he is required to show the or define the location of the storage.

Mr. Moan commented as far as soil classification type or potential spill plan he would be required to follow any Town guidelines which we do not really have, then state which is they can clarify it after that if there is more than 10,000 gallons of fuel they are required to have a spill plan through EPA, but I do not know do you want to discuss the quantities of fluids

Ms. Estabrook you are going to have, well that is the thing is he takes them offsite to fuel them he will not fuel them there right he will not have a fuel storage tank that Would be a separate permit I would assume.

Mr. Marchand stated yes because he is not allowed to have any of that on site either

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without the special permits, I think you are aware there is no vehicle maintenance on this facility.

Mr. Marchand **MOVED** to approve the application with the following facts and conditions:

**The Board found the following facts concerning the application:**

- 1. That the plan falls within the scope of the applicable Zoning and Site Plan regulations for a Home-Based Business.**
- 2. That Justice would be served by approving the application.**

**Conditions Prescient:**

- 1. Obtain all Local, and State Land Use Permits, including but not limited to a life safety inspection.**

**Conditions Subsequent:**

- 1. No outdoor storage of business-related materials.**
- 2. All business shall take place inside the home or off-site**
- 3. The hours of operation shall be from 7:00AM to 7:30PM Monday-Friday and 8:00AM to 7:00PM on Saturdays.**

Ms. Burke seconded the motion.

Mr. Moran asked A.A. Doggett to call the roll.

Ms. White - Aye, Mr. Eddy – Aye, Mr. Marchand – Aye, Ms. Burke– Aye, Ms. Eddy – Aye,

Mr. Ryan – Aye, Mr. Moran – Aye            The vote was **UNANIMOUS**.

**B. Mr. Moran read:**

***CCL Holdings of Dracut MA requests a Public Hearing for a 6-lot Subdivision at 24 New Boston Road in Newton, NH. The properties are referenced as Tax Map 3, block 1 lot 12 .***

Mr. Moran asked Ms. Rowden for her input.

Ms. Rowden stated, I do think that the application is very close to complete or technically complete I think there are a couple of items related largely to storm water review, some of these are in Mike letter. I think you all have in front of you what need to be provided but I do think you could take jurisdiction and I know there were a couple of comments that maybe came in from some of the Town departments so take those under consideration. My main concern is some missing storm water provision.

Mr. Dennis Quintal (P.E. and agent for the applicant) stated, the owner, Craig, is here

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He is the manager of the CCL Holdings, and the property is located at 24 New Boston Road. It is on the south side of New Boston Road it is tax map 3 lot one block one lot 12 has about 18 acres of land most of it is up land. There is some wet land to the South or the back of the property a previous owner had a Timber Harvest that was part of the forest the property did a Timber Harvest a few years ago there were a few backs that were on the property like sheds or something like that that were pretty dilapidated. Those have been removed so now it is one vacant buildable lot. It is zoned residential a and there is a 100-foot frontage on New Boston Road that provides access to the main portion of the property. Sheet two shows the property where we were asked to do a development plan for this property we first conducted a boundary survey we had Gove Environmental flag the edge of wetlands we located the flags and then conducted a topographic survey and Goveo Environment then use that information to develop their high-intensity soil map which is what is required for meeting lot size requirements. So we took a look at that information and tried to come up with a development plan that would meet the town requirements. We proposed to have as shown on the next sheet three a roadway to be 840 foot long with a cul-de-sac at the end it is proposed to be named Bel's Way. This property exists as a buildable lot we propose to have six additional lots, so it is total of actually seven lots each lot meets the requirements for frontage and area each lot also meets the lot size by soil type each lot has its own well protective zone around it and 4K areas for the sanitary disposal that's 4,000-foot area for disposal areas. Test pits were conducted in each of the 4,000-foot areas we also show where houses can be, and driveways can be put on the lot on sheet four. We did a storm Water Analysis I am prepared to mitigate the any increase in surface runoff from The Improv surfaces sheet four this sheet four shows the roadside SES will direct most of the runoff to a detention area detention basin that will hold the excess runoff and slowly rerelease it by an outlet structure and curve it will then flows through a grass whale to the rear of the property to the wetlands this sheet also shows the test pit data so that's sheet four I can come back to this if there is questions on each of these sheets. Sheet five, because this Town requirement has a negative 1% slope for the first 100 foot off a New Boston Road you can see how and I am pointing toward it first 100 foot coming at a negative slope which puts the grade even lower down at that point so that we then had to tr transition to a steeper grade to make the cover over the covet pipe that we proposed so it is a little bit of a down and up and over to get over that CET pipe but that is what we had to do to meet the requirement for that negative 1% for the first 100 foot makes the grade so that the runoff from New Boston Road for the first 250 foot will be captured by it and catch basin and then directed through its to the wetland that is along the edge of New Boston Road and on sheet next sheet this this shows where the C is here I am pointing toward the edge of New Boston Road shows the catch basins and culvert pipe that goes to the wetlands and then to the covet that goes underneath New Boston Road if we did not put those culverts in those catch basins which you know the town does not really like have catch basins but the water coming down New Boston Road would go into the project and since it is a low area there is nothing there is no way of getting that water all the way to the back of the property, so we had to deal with that first 200 foot or so in this fashion. So sheet Six and again I can come back to this if we need to sheet six shows the highway access plan that shows the clear line of sight from the vehicles that are coming out of the project so that you can see easily see the traffic on New Boston

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Road in each direction. Those are basically that part of the plans. There are three detail sheets as part of this package and those detail sheets describe the erosion and sediment control construction sequences and seeding and how it is going to be graded gravel. Any of the gravel roads gravel sections and sandy areas will be loomed and seeded all the other details needed for storm water control and roadway specifications so I did receive comments from the town engineer. He had five comments, four of the comments are drafting. I can go through each one of them if you need to but four of them are just drafting issues. The fifth one was about meeting the storm water management requirements of addressing runoff and groundwater recharge. I talked with Mike Vignale this morning and we talked about changing the detention basin from a detention basin to an infiltration basin, that way there that basin will act to recharge the groundwater and any on the runoff that comes from the from the street would go into a settlement basin first and then to the detention basin. The other drafting thing about that was the outlet structure for that detention base and will have to be changed to a box type of detention outlet structure so that is just a drafting thing so I can make these Changes and submit them back to the town and to Mike Vignale quickly. We do have to get State subdivision approval and I did talk to Jen today and the note about the storm water being maintained by an association has to be that note has to be put on the plan so we will do that, so I guess that kind of summarizes what we have before you. I like to think that the plans complete enough to accept jurisdiction and I know we got some changes to make and some drafting to do and provide you with Association documents so I guess I can answer any questions that you have.

Mr. Marchand inquired if having the association take care of the storm water release would nullify the second comment by KV Partners.

Mr. Quintal replied no actually I think the second comment talks about the type Of outlet structure that I proposed I had just a concrete wall proposed and but in it says About the town maintaining it. It is not going to be private it will be a public road okay plowed and maintained by the town that is one of the reasons why we did not want to make the road any longer than we had to as you can see there is a lot more land up here that we could have extended it further but we thought that this would be a better design and actually the owner, Craig is planning on being here anyway so he wanted a little bit more elbow room. He is taking the big section.

Mr. Marchand stated, in the comments I saw you said the road will meet Town minimum requirements so that Mr. Privero will be happy with that.

Mr. Quintal replied he did not put any other thing anything else in his comments about any required waivers or anything like that, so we do meet the requirements for that.

Mr. Moran added, I did speak to Mike on Sunday he was a little bit busy, though. He brought up the potential for off-site mitigation specific to this project given the condition specifically where this road is tying in. He did note there was, I do not want to say it was in passing, it was directly related to this application, but we have not had the chance to circle

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back on what he was looking for. I am not sure if it was drainage improvements right in the vicinity of the project or probably Just a bond for the road in case of damages during construction.

Mr. Quintal stated I know the road is probably due for rehab so we would like to think that this project will get in and built before, but I can talk to Mike to find out what his plans are for this year and hopefully get this at least the work out near New Boston Road done with the catch basins and the drainage system so that is over and done with but certainly things like this bond for any damages to the road would be typically done. I think Mike would be coming up with some sort of a number for that he did not have the opportunity to really dive into it, but he did want to bring it out I think he mentioned it to me over the phone this morning, but he said I will get back to you on that.

Ms. Rowden stated, to sort of circle back with the homeowners association being proposed to have the storm water detention basin, just making sure the note about reporting and operation and maintenance long term be very specified on the note. I did communicate this with Dennis, so I think he is going to stick it on but just to reiterate to those homeowners that they are responsible for that storm water, so it does not become something the town has to maintain.

Mr. Moran asked I was going to say how is that enforced, like is that through the Building department, does it fall under the code enforcement, or this board.

Ms. Rowden answered that it would be through code enforcement ultimately, so if there were to be a problem but the reporting requirement is that every 3 years so the first year once a detention basin is in the owners have to report homeowners association or otherwise and then every three years they have to have a licensed engineer go out and report on the condition is there a way not to say that they would not clean this out or maintain it, but I am if does not get maintained it could or will negatively impact the community is there a mechanism that the Planning Board can create to ensure that at least there is a dollar amount somewhere that we can tap into the town can do that not very easily. There is a mechanism in your storm water regulations for how the town can go about if there were to be an issue with the storm water and the town needed to then clean it out because it was causing issues there is a mechanism for doing that and all charges can be borne on the owner eventually I mean it is it is a lengthy process, and you hope it does not get to that that is why there is the every three-year reporting that is required I was kind of thinking that if the report never gets filed and then it is a mess, and the town has to go spend 2,000 bucks to go clean it out. That is sort of why the report not being filed you start with something lower level with a probably a communication and then a code enforcement action before something stops functioning and then you have to go through that long costly process okay just curious that was kind of for my own knowledge too.

Mr. Marchand **MOVED** to find the application complete and take Jurisdiction.

Ms. Burke seconded the motion.

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Mr. Moran asked A.A. Doggett to call the roll.

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Ms. Burke– Aye Ms. Eddy - Aye Mr. Ryan – Aye Mr. Gibbon – Aye Mr. Moran - Aye The vote was **UNANIMOUS**.

Mr. Moran opened the floor to public input.

John Gynan (Abutter, 26 New Boston Road) and I really have not had a chance to Review what CCL Holdings LLC has proposed to do with the property of 24 new Boston Road. From the presentation I do not hear anybody expressing any concerns about how this impacts the neighbors or the neighborhood on New Boston Road and it looks to me like there is a pretty significant impact especially to the direct Butters at the access point of the driveway it is short frontage for a road 100 foot to build a house on New Boston Road which is residential Zone A you would be required to have 150 foot but to build seven houses you only need 100 this does not seem like it really falls in line with the zoning and building requirements of the town I just recently heard talk of a homeowners association does this imply that this is cluster housing that is being brought into Newton, New Hampshire and New Boston Road. In that case the requirement is 150-foot frontage for a roadway for an access point so I sorry. I had sent an email earlier today because I was not sure I was going to be able to make it and I outlined a few of my comments and like I said when I began speaking I have not had much opportunity to review these drawings that I accessed online my eyesight is not what it used to be when I was your age I suffer from cataracts and computer glare really does a job on me but there is a lot of information that is required by the Planning Board and its regulations for site plans that just is not it just is not here for example when we go to sheet two there are no dimensions on the boundary lines there are no angles and directions there are there is no location of abutters Wells and septic systems I do see a well located on the property itself, but I do not see the location of the existing Waste Disposal system the property had been used as a summer residence by Irene Payne and her family ever since I moved to Newton 43 years ago the house fell in disrepair and was knocked down by Mr. Lucio this summer this last summer I do not see the location of my well septic system I do not see the location of my house its elevation its use or any other pertinent structures that may be on my property and we also have 1 2 3 4 5 6 7 8 n lots where that information is not available 10 11 lots where that information is not available for review excuse me 13 I missed one turning to back to sheet one we see that the existing Wells still exist in close proximity to a test to a test pit Excuse Me sheet three and it is also in the waste disposal area and although subsequent Wells may be drilled this is a conduit directly into the groundwater where a potentially a septic system will be installed the covert and catch basins at the excess point the cover extends beneath my driveway and into an area of surface water not necessarily an area of wetlands this surface water is created by a spring which is located approximately 200 foot back from the roadway the wetland does not drain very well in part because the culvert under New Boston Road has not been maintained for decades and is nearly clogged also it is unlawful to disperse storm runoff water into a wetland s when the water is untreated and those are a few of the objections I have to this plus the fact that this whole development with greatly diminish the value of my property my privacy is gone we have a public access going back

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beyond my home in 2022 when the previous owner harvested the trees and the town get us nearly \$4,000 of tax money I endured 3 months over lot in operation parked within 100 foot of my backyard 5 days a week from 7:00 a.m. Till Dusk and I would like to know how long this development is going to take to construct because I do not know if I can tolerate that kind of noise for any length of time so I would like to have my email if you have received it read into the record as well. I would like to request that the Planning Board reject this application as submitted until the applicant has brought into conformance with the requirements for site plan and the zoning requirements of the town and that all required information is delineated in these documents is available within this plan. You know I was taking notes you mentioned that the meets and bounds were on the drawings I am looking at sheet one and the meets and bounds are on the drawings they are on the drawings for the plan, but they are not on the drawings there is a separate section let me see if I can find it in my notes I got so tired of taking notes on this thing I had write it paragraph 8.15 existing site conditions survey property lines angles and bearings distances it is not on sheet to which is a sheet that is entitled existing conditions sub paragraph D I guess you probably meet that sub paragraph F shape size height location and use of all existing structures including well septic systems on site and within 200 foot of the site and I just got tired of writing there is a long list there I went down the list and I would say half of the half of the requirements are not being met storm water management for new development paragraph 11 sub paragraph b I no storm water shall be discharged directly into a jurisdictional wetland or surface water body without adequate treatment so the town engineer made a comment directly regarding that it was his fifth comment so and it was not directly related to untreated storm water it was to better fully address Section 8 2.3.5 Mr. Briefly the All-Season safe distance at the access point under New Hampshire RSA that would be shoot 263:13 All Season safe site distance of 122 meters or 400 foot in both directions along the highway, sheet shows 200 foot,

Mr. Moran stated this is not a state regulated highway, Mr. Quintel do you want to elaborate on that.

Mr. Gynan continued, Newton subdivision regulations paragraph 8.2.4 set point shall provide adequate site distance grade width and curb site distance and other specifications shall be determined in accordance with the more restrictive of the current New Hampshire do standards as found and as I stated before I have not completed looking through these.

Mr. Moran asked does the applicant have anything to add do you have any statements Mr. Quintal

Mr. Quintal stated the only thing I could add to this is that you know the abutter's wells and septics and house location should be on the plan that is easy enough to do so I can make sure that gets done the existing well that is on the site that is going to be abandoned that is not going to be there it is it is an old I do not know what it is it is capped off pretty well but that is going to be filled and done away with according to the requirements of the state to do away with that well the rest of the comments basically meeting the town requirements. It is what we intend to do and so if there is anything specific perhaps the

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board or Jim would be able to give me the information and I will certainly be able to do what I have to do.

Mr. Moran stated Ms. Rowden, who is the circuit writer who provides some guidance and her professional opinion on the thoroughness or technical completeness of the application has reviewed this. She provided some comments as well in addition to Mike Vignale, who is town engineer, provided some additional comments. Five comments, one of them has some implications to revising the storm water system from a detention basin to an infiltration basin and some minor drafting prevision. My understanding is that the applicant would be looking to address these issues as well as adding some of the additional items on the drawings and continuing this to a hearing on the 6th of February but would have to request a continuation

Ms. White stated I was wondering does the owner of CCL Holdings, is he going to build the subdivision or is he going to sell the lots off individually and people will build as they buy a lot.

Mr. Craig Luci (owner of CCL Holdings) stated I am planning on building my own house on lot 4 and as far as other lots, I intend to build the rest of them out myself, if the market allows it. There some great areas between maybe building a couple selling a couple if I have to, but my goal is to build them all out. As far as the storm water goes I am also storm water certified, and I do all my own excavation, and as far as building houses too so just to clarify that. It was not pointed my comment about maintenance was not pointed to you. Things changed yet no but as far as know run off and storm water I have been certified and very qualified to handle all the that stuff, so I appreciate that.

Ms. Sandra Estabrook (Conservation Commission and I do live on seven New Boston roads, so this is a cross from me I am not a direct abutter, but I am you know I will be affected by all the back and going, and I was affected by the log cutting the other year and all that stuff. I do live right there on New Boston Road so I would agree with the gentleman that spoke about the existing conditions that there is not enough information on that page because per our regulations you are supposed to show all what he said 200 foot away you know what is on the property plus 200 foot it is Section 8.15 Existing Conditions and well the one I had was it is number F so those details should be shown on the plan. I read the storm water management plan all 80 or 60 pages, it was very detailed, so I was glad to see that they did mention that homeowners association that should be on the document somewhere and there is a six-page storm water manual, so I was wondering how that gets Incorporated, but I think maybe Denny did answer that. The homeowner's association should go by this and explains what should be cleaned what they should look at and all that. So I was glad to see that that got incorporated or it is going to get incorporated somewhere on the plan so that like they said further down 10 years from now or whatever people can read it and say okay this is what, so code enforcement would have like a tooth or whatever to kind of read it and say okay you know this is what they were supposed to be doing. I yeah I looked up the tax card and for the assessment it says there are only 40feet of frontage and for access only, so I was interested to see how they got 100 feet now so

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maybe they did not pay enough taxes in the past, so I did not know if that is something that has to be proven or I am sure Denny did it correctly, but I just did notice on the tax card it says only 40 foot of frontage.

Ms. Rowden suggested I can answer that if you want then ask tax cards are not surveyed lines so Dennis's stamp that the property has been surveyed is that verification.

Ms. Estabrook replied, that is what I kind of figured so they had a break for a lot of years on that, and then I think I have one for Denny, on the last two pages pre and post I think it is the drainage or the water flow or something you cannot see in here but there are pretty yellow lines about what is exist now and how it goes but I really did not know what the yellow line meant if he could clarify. I do not see it shows on here and then the other thing is it says six lots and it does say seven lots on here, so I do not know if it is a six lot or a seven-lot subdivision and then that lot seven does seem to have a lot of drainage things on it like a lot of the property is going to be taken up by drainage and swales and so I was wondering exactly how many acres is going to be left to be buildable, and then I see there is a town right away if you can explain that is that for the drainage or is there a little piece of land somewhere that the town has for that and then also on the where they are putting those catch basins on New Boston Road is that on Town property or is that on the property owner's property with the catch basins are like they said it is very wet along that area, and is the water really going into the wetland before it gets treated, is that enough.

Mr. Quintal stated I will try to answer questions if I miss something let me know. The pre and post development plans show the watershed areas and shows where the water runs and it is the rood run off, so it is specifically designed to provide information for our storm water programs to put information in our storm water program so you have to identify the slopes the grades the type of soil that there is there and also the other line that goes through there a dotted line would be like the line of longest line of concentration so that you would be able to put that number in how much time it takes for draw drop of water to fall and travel down through each segment to the outlet I do not know if that is enough of an explanation or not. As far as the frontage is concerned 100 foot of frontage but this will be a Town Road so the catch basins and drainage pipes will be on town property because the road will be a Town Road someday and so part of that instead of including a little sliver there that whole section I am pointing to it sheet one, the first 150-200 foot that whole section would be Town part of the town right away for Bel's Way and including the whole cul-de-sac circle the site distance I believe the site distance is what the requirements are for the town is at 250 foot, it is not a state road but we do have to build the road itself as far as gravel specifications and what not to match State specifications are, so that is kind of following what the town regulations are what we are trying to do on this on this to meet the requirements.

Mr. Moran asked, so the right-of-way is proposed right-of-way.

Mr. Quintal stated it is a proposed right-of-way yes, there is not an existing right-of-way. It is an existing lot right now as one lot and so we are proposing to have a total of seven, but

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we have one lot there now, so we are really creating six more lots, so it is a little bit of ... It is one lot now, but we are adding six lots so yeah it is seven lots totals but that is similar to what we did off the thorn h Road it was an existing house existing lot and we created seven lots, so it was really eight lot subdivision so I do not know if that is a little bit confusing to me but that is kind of the way I understand it right now. so if you want to call it a seven-lot subdivision I suppose you can, but it is an existing lot right now as far as that is concerned you could say six lots plus the remainder.

Mr. Moran added, there was one question about the acreage of lot 7.

Mr. Quintal stated I do not have that exact amount but if you look at there is a drainage easement that includes the detention area and the swale and as you can see the well location is totally on the lot, the 4,000 square foot area is shown on the on the plan also shows where a driveway and a house can be built on the lot, so it also shows building setback requirements.

Mr. Moran asked, does that also include structures that are 200 feet.

Mr. Quintal replied, do you mean from the property line no I do not have that on here that is one of the other things.

Mr. Moran stated okay so this you are talking about the abutters to the north.

Mr. Quintal added, I do not.

Mr. Moran commented, I was referencing sheet four that is shows New Boston Road frontage that shows existing structures along New Boston Road I am not sure if it is all of them I was asking for clarification.

Mr. Quintal stated, no, I mean I can check that to make sure that I do comply with that requirement, so I do have to add some more structures including this gentleman's home okay and their physical features as well the wells and septic.

Mr. Moran added, because I was just looking for clarification those were not shown on the other sheets, but they were shown here I was not sure all-inclusive.

Mr. Gynan stated, actually one question is probably understating it, is 100.55 feet Enough for a legal roadway without a variance.

Ms. Rowden added, yes, you actually for a residential road only need 50 foot in the town of Newton so this more than complies with that.

Mr. Gynan replied, well I have heard words here about homeowner's association which kind of suggests that this is a cluster housing which requires 150 feet, and I would like to understand the justification why you only need the width of the road to put a subdivision in

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when somebody who would be building a house right next door to that 50 foot would be required to have 150 foot.

Mr. Moran answered the roadway frontage and housing frontage are two different things.

Mr. Gynan stated well no they are not really you are taking one approved lot although it is non-conforming but is a pre-existing conforming lot and under today's standards it would be non-conforming the same as my lot I have 113 foot I would be required 150, in 1980 when I built it, but I had a prior approval, so I was allowed to build without a variance so if you are taking one lot and you are subdividing it

Mr. Moran interjected, excuse me you have to speak into the microphone and address the board.

Mr. Gynan continued if you are subdividing it and retaining one lot and creating six more Lots that one lot would be required to have 150 foot because this is a change of Use.

Mr. Moran added all of these lots have it.

Mr. Gynan talking over Mr. Moran stated and the other six lots would also be required to have 150 foot all of these lots have so if you take one existing residential lot that would be required to have 150 foot how can you put a roadway in with only 100 foot of frontage because that is the lot you are subdividing.

Mr. Moran opined so with that logic you could not have a subdivision anywhere.

Mr. Gynan retorted yes, you can, I see a subdivision down on Amesbury road that looks like it has far more than 150 foot and if you cannot have a subdivision anywhere then you would be required to have a variance which means you need strong justification this subdivision is going to change the nature of our neighborhood I am a longtime resident my neighbor is a longtime resident, and it is just going change our whole way of life I am 77 years old I intend to spend the rest of my life here, but this subdivision is going to disrupt that and this is got to diminish the value of my property significantly.

Mr. Moran stated that the purview of the Planning Board has we cannot look at property value it is in fact illegal.

Mr. Gynan interrupted stating but you can look at the nature of the neighborhood which nobody else in this room has addressed to this point and whether this subdivision fits In the neighborhood and in my opinion it does not fit into the neighborhood because this brings suburbia into rural Newton and if you want to maintain the rural character of Newton you need to enforce your zoning requirements, your subdivision requirements, and you need to be very clear about them if you are going to have a subdivision with a homeowners association it is cluster housing you need 150 feet.

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Mr. Moran stated I will reiterate this is not cluster housing it meets the intent; it has the amount of roadway frontage per zoning regulations which is 50 feet that is the minimum you need for a roadway in town.

Mr. Gynan asked for which class roadway.

Mr. Moran replied a publicly maintained road.

Mr. Gynan pressed, which class publicly maintained way your subdivision requirements have three or four classifications of road and I believe that this road has been classified you need at least 60 foot because this is a minor arterial feeder and New Boston Road is a major arterial feeder which feeds into a numbered highway.

Ms. Rowden stated this is a class 4 road, being a local road that is being proposed as a locally maintained road that is not...

Mr. Gynan interrupted Ms. Rowden stating within your own subdivision regulations it classifies major arterial feeder, minor arterial feeder, and local access the road.

Ms. Rowden reiterated what is being proposed would be considered a local road which requires 50 foot in order to...

Mr. Gynan interrupted stating and any roadway feeding into a major arterial feeder is requires a Right-of-way of 60 feet with a 20-foot radius at each corner which will extend it to 80 feet.

Mr. Moran stated which is less than 100.

Mr. Gynan opined I do not know how you can take a lot that is required to have 150 foot and say that subdividing it is going to give you roadways roadway frontage is along The side of the road it is not along the cross section of the road.

Mr. Moran stated, so I will again reiterate, all of the lots have the necessary roadway frontage to meet Newton's regulations as currently proposed, the roadway does not need the frontage of a buildable lot. I am not sure Mr. Quintel if you can explain that differently.

Mr. Quintal stated I do not know, but that is the reason why you propose a road is to have each lot have the frontage on a on a Town Road otherwise you like you said you would not be able to have any subdivisions and it would be yeah you hate to have dead end roads in town but that is what your regulations allow so I think it is the type of thing that what we are trying to do is meet the town requirements and to be able to have this a short road that that meets the town requirements and has frontage and area and meets all the other requirements as far as health and safety issues.

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Mr. Moran Inquired so would it be possible on this subdivision to increase the length of the road and add additional buildable lots.

Mr. Quintal replied it could be possible to you would you like me to look into that.

Mr. Moran stated no, I was just asking.

Mr. Moran then asked if there were any other questions from the board.

Ms. Eddy MOVED to continue the public hearing to February 13<sup>th</sup>, 2024, Ms. Burke seconded.

Mr. Moran asked A.A. Doggett to call the roll.

Ms. White - Aye, Mr. Eddy – Aye, Mr. Marchand – Aye, Ms. Burke– Aye, Ms. Eddy – Aye,

Mr. Ryan – Aye, Mr. Moran – Aye           The vote was **UNANIMOUS**.

***C. A continuation of 125 Development NH Corp's request for a public hearing for a 44-unit Residential Development and Private Roadway for their land off Puzzle Lane, in Newton NH. The properties are referenced as Tax Map 14, Block 1, Lots (1-1), 2, (27-3), (27-6), and (27-7).***

Mr. Moran invited Mr. Gier to present.

Barry Gier (P.E. Jones and Beach Engineers agent for the applicant) stated as you all know this is a project for to construct a 44-bedroom multifamily project. We have eight fiveplexes and one fourplex for a total of nine buildings on a 535-foot cul-de-sac and the construction of the remaining roadway necessary to connect Puzzle Lane from phase one to phase two. At our last meeting we went through the revisions requested by the Board, the town planner, and the town engineer. The board accepted the plans as complete, and we answered all questions. Since our last meeting we have obtained the variances required to construct Phase 5 including the road the zoning board included a condition that a vegetated screen be provided to help screen the road from the Plaistow abutters, the location of that screen be right here along the road. The condition requires that the screen be reviewed by the Conservation Commission and approved by the Planning Board. We did go ahead and put together a landscaping plan for that screen and somewhere I actually have plans that I can pass out. These are not included in your package because you can see we have a combination of plantings. This was completed by LM Landscape Design and if the board decides to act on the application tonight, which we would hope, we suggest that this be a condition of the approval. We have received comment letter from the town engineer which included a total of one comment regarding labeling of a of a detention basin the project does require several state permits AOT water supply and septic systems and is dependent upon phase two being construction being constructed which is dependent upon obtaining our DOT permit, which we are still working on. We did receive

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the AOT for phase two and a wetland permit has been granted for all the impacts to phase two and phase five so with that I will be happy to take any questions board has.

Ms. White commented that it is not usually the way, the Planning Board does not look at something that has been just given to them without any time to look it over usually you do not look at stuff just hand it out at a meeting.

Mr. Moran stated I would agree

Mr. Gier stated we understand that this condition came about last Wednesday so we really did not have a chance to go to resubmit in the regular format, so we had our landscape designer complete the design and you have it now. We had less than a week to complete this so we wanted to get the board something that they could look at. It still would have to be approved and so we would ask that be a condition of the approval.

Attorney R. Tilsley (for the applicant) stated what the zoning board did last week was a little strange but it requires us to get Conservation Commission approval on the landscape plan so what we are suggesting is that what you folks would do is to make a condition of your approval that we get their approval, we have given you what we have had on the sixth, we are not expecting you to act on it tonight, but thought we should have something to respond to what the ZBA gave us last week. I guess I would call that strange, you know how it works, they have deliberating, then we have to kind of sit quietly. so you know it is a little weird way for them to do it. I think they wanted conservation to make the decision. They knew that we had to come here for this approval so, as I understand it, call it fairly typical, it is a condition of approval that we get Conservation Commission approval of the screening, that is kind of how I see it, and that way you do not have to decide that this today, but you can at least see what we are thinking as we talk. If you have input we will take the input before we go to conservation.

A.A. Doggett stated the ZBA requirement is that the applicant work with Conservation to develop the plan and that the it then go before the Planning Board for final approval not that the Conservation Commission will approve a plan. They are supposed to be working together to create a plan. there was a lot said at the ZBA meeting talking about different types and species of trees and what have you, and they had done a site walk, the conservation, and on a different date, the ZBA did a sitewalk and saw that the tree line as it is shown on the plan is not necessarily the tree line that actually exists

Mr. Moran stated, I guess to Jim's comment on the ZBA making determination that the tree line is, I will say, inaccurately shown on the drawings, I do not know either way, but there is a landscape plan in front of us that requires feedback or input from the Conservation Commission that was a stipulation. I know that we have a representative here from the Conservation Commission they have not seen it because ZBA met last Wednesday. Conservation Commission meets I have no idea when so hopefully you guys will get together and develop something that the Planning Board will generally agree with. I will leave that to you guys.

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Ms. Estabrook stated I just have a point of order like when ZBA came up with that ruling do they officially send a letter to Planning Board and or and they send official letter to Conservation. so I should have something in my correspondence that says exactly what we are supposed to do and if Jim said is right you guys should have got one to the exact wording of what ZBA wants us to do. I am not going to go because somebody said something I want to see it in writing of what we are supposed to do.

A.A. Doggett stated, Mr. Chair there is a member of the Conservation Commission on the ZBA who specifically said I will take it back to the Conservation Commission.

Mr. Moran stated there is that clarification and there is a notice of decision by the way. I just have not read it and I purposely do not take a look at the ZBA meetings. So we have the landscape plan in front of us you guys will be back here tomorrow in front of the Conservation Commission, and we will wait for feedback from the Conservation Commission specific to this planting plan.

Ms. Rowden commented about the landscaping plan specifically, I know that the ZBA did not require any sort of landscaping bond for to meet this condition, that they have put in that might be something that the Conservation Commission could certainly you know any tweaks that they want to make to this proposal. That is reasonable but if it comes back before the Planning Board whether this or some modified version I am wondering if the board is going to want a landscaping Bond because that might be something that could happen as part of the other process as well.

A.A. Doggett stated Mr. Chair the ZBA does require a landscaping bond to extend two years beyond the completion of the landscaping plan from when the plants are Installed.

Mr. Moran addressed the applicant's agent, you are proposing 56 trees, and I will call the lilacs shrubs, not my area.

Mr. Gier stated I am not a landscaper either, there are most of them are evergreens except the lilac and euonymus.

Lynne Jeffries (Abutton, 12 Ridgewood Road in Plaistow) stated I am hoping that you Do not make a decision on a plan as Ms. White said. We cannot even take a look at unless we are at that meeting. When the they went before the ZBA the first plan was to start above my property and go up, I am the one with the most visual of the road because on my property goes lower so I want to make sure that this this plan includes trees behind my property. Right now I know, in fact the other day, I was like. I need to take a picture so that you can see that. I can see these trucks going back and forth every day and you cannot tell me that having trucks going back and forth does not, and I know you are not concerned with property values but that, definitely affects my property values and my way of life.

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Mr. Moran asked a quick question, by chance do you know your lot number or tax map.

Ms. Jeffries replied tax map 71 I think it is it is the one that it juts out.

Mr. Gier stated the ZBA had specific locations for stations that we have to landscape between.

Ms. Jeffries stated I am still looking that the way they have this planned I am still looking at this road from my backyard.

Mr. Gier stated I will double check and because there was discussion at that meeting about it going further down they had specific locations for the landscape buffer had to be, and we will confirm that.

A.A. Doggett stated, yes. It is from 17.50 to 25.50.

There was a mixed discussion of the station numbers for the landscaping plan.

Ms. Jeffries stated I just really would like to make sure that the tree line goes down to cover you know if I have those trees covering my sight lines to the road then I am fine otherwise you will see me at every meeting and I have been at every meeting just about for the two plus years we have been doing this,

Mr. Moran stated it seems as though the ZBA gave some pretty clear direction on where the screening needs to be.

Ms. Jeffries stated propose when we looked at the at the ZBA meeting you know it looked like what they were doing was actually going down beyond my property what they have done on this plan is not yet.

Mr. Moran stated it seems that the plan in front of us right now does is not consistent with what was decided and included as part as part of the ZBA decision, so I think You need to revise this based on the ZBA, work with Conservation Commission when everybody tells us tells us as the Planning Board that ZBA and the Conservation Commission is okay with it then we can take a further dive into this unless somebody disagrees with me.

Coleman McDonough stated if I may say this is almost Deja Vu of lot 4 back 10 years ago when we were developing 27-4 and with the next-door neighbor that has her concern with the line of sight I have no problems dealing with neighbors on a one one-to-one basis with making sure that they are satisfied with the trees seeing being able to see my side Mr. Doggett keeps on referring to species of trees I do not think that the neighbors are really concerned with you know the species of the tree I think it they want to block the line of sight and I have no problems at all dealing with one on-one with every neighbor that they are satisfied with the line of sight being blocked and we have plenty of trees on site and we

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will deal with everybody on a on a one-to-one basis and make sure that they are happy.

Mr. Moran stated I think you understand the changes on the drawing that needs to be made I think it is pretty clear.

Mr. Gier stated absolutely. We had looked at both putting the trees on the property line and putting locating them next to the roadway unfortunately if you put these trees there is an existing a really high tree line along the property line and if we would locate them there they may not survive because they would have to be competing with the existing trees, so our landscape designer said this was the best location for the trees.

Ms. Rowden stated because of this being accepted 60 some odd days ago you Would need the applicant's approval to continue, because you are going to get beyond the 65 days.

Mr. Moran asked Mr. Gier for approval of the continuance.

Mr. Gier stated we would grant our approval for the continue to the February 13<sup>th</sup> meeting

Mr. Marchand **MOVED** to continue the public hearing to February 13<sup>th</sup>, 2024, Ms. Burke seconded.

Mr. Moran asked A.A. Doggett to call the roll.

Ms. White - Aye, Mr. Eddy – Aye, Mr. Marchand – Aye, Ms. Burke– Aye, Ms. Eddy – Aye,

Mr. Ryan – Aye, Mr. Moran – Aye The vote was **UNANIMOUS**.

## 1. Board Business

### a. Acceptance of minutes of the 12/12/23 meeting

Mr. Marchand **MOVED** to accept the minutes. Ms. White seconded the motion.

Chairman Moran asked A.A. Doggett to call the roll.

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Ms. Burke– Aye Ms. Eddy - Aye Mr.

Ryan – Aye Mr. Moran - Aye The vote was **UNANIMOUS**.

### b. NPREA Manifests

Mr. Marchand **MOVED** to pay the NPREA Manifest in the amount of **\$304.08**, Ms. Burke seconded the motion.

Chairman Moran asked A.A. Doggett to call the roll.

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Ms. Burke– Aye Ms. Eddy - Aye Mr.

Ryan – Aye Mr. Moran - Aye The vote was **UNANIMOUS**.

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c. Bond Release.

Mr. Marchand **MOVED** to recommend that the Board of Selectmen release the Landscaping Bond plus any accumulated interest held against 26-28 Thornell Road. Ms. Burke seconded the motion.

Chairman Moran asked A.A. Doggett to call the roll.

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Ms. Burke– Aye Ms. Eddy - Aye Mr. Ryan – Aye Mr. Moran – Aye The vote was **UNANIMOUS.**

d. Invest NH update and Master Plan Housing Chapter

Ms. Rowden updated the Board on the progress of the work.

**3. Adjourn.**

Chairman Moran adjourned the meeting at 9:05PM

Respectfully Submitted,

James L. Doggett, A.A.

Newton Planning Board