



Newton Planning Board

Public Meeting Minutes

February 27th, 2024



The Newton Planning Board public meeting was called to order at: 7:10PM

Present were Mr. Moran, Mr. Marchand, Ms. Eddy, Mr. Ryan, Mr. Eddy, Alternates Mr. Gibbons and Mr. Papachristos, as well as James Doggett – PB
AA

Ms. White and Ms. Rowden, Circuit Rider attended via Zoom.

Chairman Moran led the salute to the Flag.

Mr. Moran seated Mr. Gibbons for the excused Ms. Burke.

1. Public Hearings

A. A continuation of CCL Holdings of Dracut MA's request for a Public Hearing for a 6-lot Subdivision at 24 New Boston Road in Newton, NH. The property is referenced as Tax Map 3, block 1 Lot 12.

Mr. Moran announced that the applicant has requested a waiver from Section 8.1.5,F "The shape, size, height, location and use of all existing structures including wells and septic systems, on the site and within 200 feet of the site".

Mr. Marchand **MOVED** to grant the Waiver request; Ms. White 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. Gibbon – Aye Mr. Moran – Aye The vote was

UNANIMOUS

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

The Board found the following facts concerning the application:

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

Proposed conditions:

Conditions Precedent:

1. The roadway shall be constructed in accordance with Subdivision Regulation 8.2.4 Driveway, Access, Road Design and Traffic Technical Design Standards
2. Submit a recordable Mylar.
3. Submit a roadway performance guarantee to cover Bel's Way in the amount of \$30,267.00.
4. Set the bound points.

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. Gibbons recused himself from the following 2 public hearings and Mr. Moran seated Mr. Papachristos to fill the empty chair.

B. 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. Marchand **MOVED** to find the application complete and take jurisdiction, Ms. White seconded the motion.

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

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

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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 Major Site Plan.**
- 2. That Justice would be served by approving the application.**

Conditions Precedent:

- 1. Obtain all Federal, State, and local permits.**
- 2. Meet all Public Health and Safety Codes.**
- 3. Meet with the Town Engineer for a pre-construction meeting.**
- 4. Supply recordable Mylars of pages Cover, C2, C2A C3, and L1.**
- 5. Mylars must have all necessary professional stamps.**
- 6. Mylars must list all State permits on the first recorded page.**
- 7. Mylars must list all Conditions Subsequent and/or Ongoing on the first recorded page.**
- 8. Supply a bond in the amount of \$TBD**
- 9. Supply a landscaping bond in the amount of \$TBD to be in place for 2 years after the completion of the landscaping.**
- 10. Legal protections for the Town of Newton and liability waivers must be in place per Site Plan Regulations:**

8.2.4 Driveway, Access, Road Design and Traffic Technical Design Standards

Driveways and Access Points

1. Access to Town Roads

As part of any waiver request, the applicant shall present language that releases the town from any liability for failure to access any site served by the common driveway with safety vehicles and equipment due to substandard construction, lack of maintenance, negligence on the part of any landowner served by the common driveway, and failure to maintain all season passability. Such language shall be placed on the recorded Mylar.

4. Private Roads

Private streets serving developments shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership. All private roads shall comply with these and other town regulations relating to construction and maintenance.

Conditions Subsequent:

- 1. All buildings and landscaping shall be in accordance with the recorded site plans. Any changes will need to be approved by the Planning Board through an Amended Site Plan application, prior to issuance of any occupancy permit(s) for an individual building.**
- 2. Construction/Site work inspections and or Monthly Site visits by the Planning Board Minutes February 27th, 2024 Planning Board Meeting**

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Town Engineer in accordance with the milestones set forth at the preconstruction meeting.

3. Copies of all as-built plans shall be provided to the Planning Board prior to issuance of an occupancy permit.
4. The NPREA account must be maintained to cover the costs of the Town Engineer's inspections and Site Visits

Conditions Ongoing

1. No work to be done around the gas pipeline easement until permissions has been secured from the easement holders.

Mr. Eddy seconded the motion.

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

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

Mr. Papachristos – Aye Mr. Moran – Aye

The vote was **UNANIMOUS**

C.125 Development NH Corp of Plaistow, NH, request a compliance hearing for the notice of decision regarding their 4-building site plan off South Main Street, in Newton NH. The property is referenced as Tax Map 14, Block 1, Lot 27- 3.

Mr. Marchand **MOVED** to grant a 6-month extension to the conditional approval, Ms. White seconded the motion.

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

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

Mr. Papachristos – Aye Mr. Moran – Aye

The vote was **UNANIMOUS**

Mr. Marchand **MOVED** change the Notice of Decision dated 30, March, 2023 in the above listed matter, to read:

The application submitted by ***125 Development NH Corp of Plaistow, NH*** requesting approval of a ***Major Non-Residential Site Plan*** off ***South Main Street, Newton, NH.***, The property is referenced as ***Tax Map 14, Block 1, Lot 27-3,*** received approval by a UNAMINIOUS vote of the Newton Planning Board on March 28th, 2023, subject to 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 Major Site Plan.**

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2. The approval is for the Site Plan only and does not include Condominium Conversion of the units which would require a separate application and documentation.
3. That Justice would be served by approving the application.

Conditions Precedent:

1. *Obtain all Federal, State, and local permits.*
2. *All permit numbers are listed on the cover sheet.*
3. *Work shall not occur in the pipeline easement without the approval from the gas pipeline easement holder for the proposed construction and use, and on file with the Planning Board office.*
4. *Conditions Subsequent and/or Ongoing shall be listed on the recorded Mylar.*
5. *Meet all Public Health and Safety Codes.*
6. *Meet with the Town Engineer for a pre-construction meeting.*
7. *Remove all references to condominium units and limited common areas from the plans.*
8. *The note 1 of the cover sheet, and any other place the note appears in the plan set, shall be revised to state: "Any future development or subdivision of any part of the land shown in Plaistow or future development or subdivision of land shown in Newton shall require compliance with RSA 674:53 Land Affected by Municipal Boundaries."*
9. *Supply recordable Mylars of the cover sheet and pages C2, C2A-E, and L1.*
10. *Final mylars must have all necessary professional stamps.*
11. *Supply a non-lapsing Performance Guarantee in the amount of \$177,000.00 (either cash or Letter-of-Credit).*
12. *Supply a non-lapsing Landscaping with a two growing season Performance Guarantee in the amount of \$15,000 (either cash or Letter-of-Credit).*
13. *Legal protections for the Town of Newton and liability waivers must be in place per Site Plan Regulations:*

8.2.4 Driveway, Access, Road Design and Traffic Technical Design Standards

A. Driveways and Access Points

1. Access to Town Roads

As part of any waiver request, the applicant shall present language that releases the town from any liability for failure to access any site served by the common driveway with safety vehicles and equipment due to substandard construction, lack of maintenance, negligence on the part of any landowner served by the common driveway, and failure to maintain all season passability. Such language shall be placed on the recorded Mylar.

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4. Private Roads

Private streets serving developments shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership. All private roads shall comply with these and other town regulations relating to construction and maintenance.

Conditions Subsequent:

- 1. Obtain a Public Water Supply if required by the New Hampshire Department of Environmental Services due to the number of occupants in a building.**
- 2. All buildings and landscaping shall be in accordance with the recorded site plans. Any changes will need to be approved by the Planning Board through an Amended Site Plan application, prior to issuance of any occupancy permit(s) for an individual building.**
- 3. Construction/Site work inspections and or Monthly Site visits by the Town Engineer.**
- 4. Copies of all as-built plans including the constructed stormwater management system, shall be provided to the Planning Board prior to issuance of an occupancy permit.**
- 5. Confirm that adequate septic facilities exist prior to issuance of an occupancy permit for each building.**
- 6. The NPREA account must be maintained to cover the costs of the Town Engineer's inspections and Site Visits**

Conditions Ongoing

- 1. All services and manufacturing are to be performed inside the buildings.**
- 2. No outdoor storage of any business-related materials.**
- 3. All hazardous or regulated substances on site be handled, stored, and disposed of consistent with local, State, and Federal requirements.**
- 4. Each new business shall submit a Change of Use application to the Planning Board prior to occupying any unit.**
- 5. The hours of operation shall be set by the Planning Board on a business-by-business basis.**
- 6. No idling of vehicles between 7:00PM and 7:30AM.**
- 7. No Dyna Tuning without prior, written, approval of the**

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Planning Board.

Mr. Eddy seconded the motion.

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

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

2. Board Business

A. Acceptance of minutes of the 1/9/24 and 2/13/24.

Mr. Marchand **MOVED** to approve the minutes of 1/9/24 and 2/13/24 Ms. White seconded the motion.

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

3. Adjourn.

Chairman Moran adjourned the meeting at 9:08PM.

Respectfully Submitted,

James L. Doggett,

A.A. Newton Planning
Board

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