



**Office of the Board of Selectmen  
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**NEWTON BOARD OF SELECTMEN**

**DATE: TUESDAY, JUNE 21, 2022**

**TIME: 7:00PM**

**LOCATION: NEWTON TOWN HALL, 2 TOWN HALL ROAD and  
ZOOM CONFERENCE CALL**

**PUBLIC HEARING MEETING MINUTES**

**Zoom Conference phone number 929-205-6099**

**Meeting ID 818 7979 5674**

<https://us02web.zoom.us/j/81879795674>

**I. Call to Order**

Chairman Burrill called the public hearing meeting to order at 7:00pm. In attendance were Selectmen Matthew A. Burrill; Chairman, Charles R. Melvin Sr., Robert Marchand Jr, Michael Connolly, Town Administrator Nancy J. Wrigley, and Selectmen's Secretary Diane M. Morin.

Selectman Lawrence Foote was not present.

Chairman Burrill read the following:

In accordance with NH RSA 676:4, I (d), notice is hereby given that the Select Board will hold a Public Hearing on June 21st, 2022, beginning at 7:00 pm at the Newton Town Hall. to consider the following:

**125 Development NH Corp of Plaistow, NH's, request to use an undeveloped Town owned Right-of-way at the end of Howard Lane as a private emergency access to their 4-building condominium site plan off S. Main Street, in Newton NH. The property is referenced as Tax Map 14, Block 1, Lot 27- 3.**

Mr. Eric Poulin, representing Jones & Beach Engineering on behalf of 125 Development Corporation, addressed the Board. He provided an overview of the project. Eventually Puzzle Lane will connect to Industrial Way. They are comfortable with not having the emergency access if the Town chooses to deny the right-of-way and issues a waiver that the emergency access is not needed.

Chairman Burrill stated that they are before the Board because the Planning Board does not have jurisdiction to approve the usage of an undeveloped road. He asked what the options are. Mr. Poulin stated that a waiver could be issued by the Planning Board that the emergency access is not needed. Option 2 would be to allow the usage of the undeveloped road to be constructed as an emergency access road.

Mrs. Barbara White addressed the Board via Zoom. She stated that the original language for the right-of-way states that it must connect to a Town road and not a private road.

Selectman Marchand stated that he did a site visit utilizing the right-of-way. He noticed that there was a lot of activity in the area. He asked how the construction vehicles are accessing the area? Mr. Tom Lekborg, 125 Development Corporation, addressed the Board. He stated that for the past 15-years there has been an ongoing gravel operation which produces the materials they use onsite. They have permits

from the State of New Hampshire which are in the process of being renewed. The vehicles are using an old farm road which will eventually become Industrial Way.

He stated that the company would prefer to stay as far away as possible from Howard Lane and the wetlands. They would prefer to get a waiver from the Planning Board and not disturb the residents of Howard Lane.

Selectman Melvin asked if an approved site plan was on file with the Planning Board? Mr. Lekborg stated that he does not believe so and that nothing has changed within the last 15-years.

**Selectman Marchand moved to deny the emergency access right-of-way to Howard Lane. Seconded by Selectman Melvin for discussion.**

Mr. Dennis Moran, Chairman for the Planning Board, addressed the Board. He stated that there is a third option which would be to construct the road continuous and not request a waiver. During a Planning Board meeting it was brought up that this option was not economically feasible by the developer. The goal is to construct the road within the next couple of years.

Selectman Melvin asked if an approved site plan was on file with the Planning Board? Mr. Moran stated that he does not know.

Chairman Burrill asked why the Planning Board denied the waiver. Mr. Moran stated that they did not deny nor approve the waiver. The Planning Board could approve a waiver for a roadway greater than 1000 feet. The Board would need to deny the use of the right-of-way first.

Selectman Connolly ask why it was cost prohibitive to connect the road. Mr. Lekborg stated that funds from the new buildings are needed to complete the road.

Mr. Lekborg stated that the company has worked with Plaistow without any issues.

Chairman Burrill stated that at the last meeting both the Fire Chief and the Road Agent stated that if an emergency were to happen, they would find a way to get to the site.

Fire Chief Alcaldinho addressed the Board and stated his department has no issue with the 1000' road and cul-de-sac.

Mrs. Trisha McCarthy addressed the Board and asked if Selectman Marchand should be allowed to vote on this matter as he is the Ex-Officio for the Planning Board. Mr. Jim Doggett, Planning Board Administrative Assistant, stated that because the Planning Board has not taken up a request for a waiver, so Selectman Marchand can vote on the matter. The matter before the Board is different than a request for a waiver from the Planning Board.

Selectman Melvin asked if an approved site plan was on file with the Planning Board? Mr. Doggett stated that there is not. Chairman Burrill stated that this matter should be investigated outside this meeting. Mr. Lekborg stated that these are state permits that they have. Selectman Melvin stated that they still need an approved site plan to operator the gravel pit.

Mr. Dan Sweeny of Howard Lane does not believe the right-of-way should be granted. He is maintaining the area now and would not like to see it disturbed. He stated that with the 200' setback the gate would be in the middle of the access road.

Ms. Shawnee Bowden, Howard Lane, stated that the company has done things to mitigate the noise. She would like to leave the property as is.

Road Agent Mike Pivero addressed the Board and asked who would maintain/plow the right-of-way? He stated that there may be some years where the road may not be accessible until the snow melts. He does not see a need for the right-of-way.

Chairman Burrill stated that if the motion passes, to deny the right-of-way, the next step would be for the developer to go before the Planning Board to request a waiver. The waiver would wave the requirement for a road longer than 1000' to have 2 means of egress.

**The motion passed with a unanimous vote.**

II. Adjourn

**Chairman Burrill closed the public hearing at 7:41pm.**

Respectfully submitted,

Diane M. Morin  
Board of Selectmen Secretary