

**Memo To:** Newton Planning Board  
**From:** Jennifer Rowden, Land Use Program Manager, Rockingham Planning Commission  
**Date:** September 7, 2023  
**Subject:** Review of a Site Plan Application for 44 Unit Multifamily Residential Development; Lot 14-1-1-1 and Lot 14-1-2 (125 Development Corp.)

Rockingham Planning Commission has received and reviewed a multifamily residential site plan application submitted on August 17, 2023 for 125 Development Corp for Lots 14-1-1-1 and 14-1-2 submitted by Jones and Beach Engineers, Inc. The application is to create 44 dwelling unit within nine buildings along a private accessway. As part of this application, the proposal is to construct an accessway for the residential dwellings from the private accessway from Puzzle Lane (town-owned road) to Lot 14-1-27-3. Lot 27-3 was granted conditional approval for a site plan development to construct four industrial buildings and accessways. The proposed multi-family dwellings are located in the Residential A District. The proposed accessway is in the Residential A and Light Industrial/Commercial District. The proposal also has areas located within the Aquifer Protection District, Shoreland Protection District and Wetlands District.

The Planning Board should consider comments received by the Town Engineer and should specifically seek input from the Fire Department, Building Department, Road Agent, and Conservation Commission for various aspects of the application.

Based upon my review the application appears technically complete enough for taking jurisdiction; however, there are numerous additional pieces of information that are necessary per Newton's Site Plan Regulations (generally corrections, details and notes) and information that is recommended the Board require prior to any approval. Note that no waivers have been submitted with this application. My comments on the application are as follows:

- 1. Future Use Considerations:** The applicant provided detail about the proposed development and additional information about the potential future phases of the development. The intention to have the future loop roadway remain private has been expressed by the applicant. The Planning Board should be aware that the potential future development of the parcel can be a consideration of any decision associated with this application. However, the proposed additional phases of this project submitted by the applicant are not bound by the proposed layout. Any future development of the site would need to comply with Newton's zoning regulations at the time of any application. Of particular consideration with this proposal is the loop road construction; see comments regarding the roadway below.
- 2. Multi-Family Use:** The multi-family use is not a permitted use within the District, however, the applicant received a variance to Section XIV.1 to allow more than one dwelling unit. The variance was granted on December 8, 2022 and specifically allows up to 44 bedrooms to be constructed on Lots 14-1-1-1 and 14-1-2. Note that the variance identifies the total number of bedrooms, not dwelling units. The proposal is to construct only one-bedroom dwelling units. Except for the allowance of a multi-family dwelling use on the two lots, all requirements of the Residential A District continue to apply.
- 3. Approval from Plaistow:** Any approval of the site plan by the Newton Planning Board should be conditioned on receipt of approval from the Plaistow Planning Board. For this proposal, the application to Plaistow would be limited to the construction of the roadway on Lot 14-1-27-3; though Plaistow would be advised to understand the development context of the roadway. Note 13 of Sheet C2 should be updated to reflect the date of any approval from Plaistow.
- 4. Variances:** A condition of any approval should be that all necessary variances are received, including the use variance granted on December 8, 2023, with the date and any condition being noted on the recorded plan sheet(s).

- 5. Roadway:** The proposed extension of the existing roadway from Route 108 will likely require an amended driveway permit from NHDOT. It is recommended that the Planning Board request the applicant provide detail about the traffic generation potential from the proposed residential development and potential future development using the connector roadway. Particular attention should be paid to adequacy to both the current proposal and any future development that may utilize the roadway and the impact that use may have on the Town-owned Puzzle Lane. The Planning Board should also seek input from Town Engineer and Road Agent regarding impacts on to Puzzle Lane from the construction of the proposal.

Additional details regarding the roadway design (both the existing access way from Puzzle Lane and the proposed connection) are required as noted by the Town Engineer. The Planning Board should review the Town Engineer's comments regarding additional details and modification needed to comply with Newton's site plan regulations. Based on his review letter it appears that some items are not consistent with town regulations. The application must either request a waiver to for these regulations or submit design information that is compliant with Newton's road design standards.

- 6. Septic Design (SPR 7.1.2.H)** The application indicates the location of two septic system on the plan set, however, septic design detail has not been provided. The detail about the septic design (specifically capacity) is important in determining the applicability of SPR 7.5.15.B.3 (Hydrogeologic Study). For any system with a capacity above 2,500 gallons per day a hydrogeologic study is required by Newton. Given that the septic design will impact the requirement for this study, it is recommended that the Planning Board require this information.
- 7. Stormwater (SPR 7.2.3):** In addition to the comments offered by the Town Engineer including that all operation, maintenance, inspection and reporting is to comply with Newton's stormwater management regulations (SPR 7.2.3). The Planning Board should review Town Engineer's review and require that the missing information has been provided or the applicant may submit a waiver.
- 8. Miscellaneous:** The following items have been noted as minor issues with the application, beyond those noted by the Town Engineer's review:
- a. Existing Conditions:** The existing conditions notes on Sheet C1 should be updated to include the zoning district requirements for the Residential A District.
  - b. Setbacks and Boundaries:** On several plan set, zoning district boundaries and setbacks and wetland boundaries and setbacks are indicated on the plan set, but not labeled. The Aquifer Protection District is noted on the existing conditions plan, but not shown on any proposed conditions plan. These should be corrected, particularly on any approved plan sheet being recorded.
  - c. Proposed Structures (SPR 7.1.5.C):** The proposed first floor building elevations and building height for each structure must be indicated. It appears that the proposed buildings will comply with Netwon's height restrictions. The Board may require additional detail on the appearance of the structures beyond the rendering detail within the application.
  - d. Landscaping (SPR 7.1.5.I):** The applicant has indicated areas of the existing tree line and proposed tree line which generally appears to be adequate screen between the proposed residential development and existing neighboring residential development. However, the Board may require under SPR 7.2.9 that additional landscaping be provided for the benefit to the proposed dwellings; in particular to help buffer them from the impacts of the existing and potential neighboring industrial and commercial uses.
  - e. Lighting (SPR 7.1.5.J):** The proposed lighting appears to be limited to five lighting fixtures within the proposed parking areas. Any outside lighting, including fixtures proposed to be on the buildings or along walkways should be show, along with illumination readings. The Board may also seek detail as to the specific lighting fixtures being proposed to ensure compliance with SPR 7.2.12.
  - f. Snow Storage (SPR 7.1.5.M):** Small areas of snow storage to the east of Proposed Building 9 have been shown within the Wetland District buffer area. The snow storage should be located outside of the wetland district to help reduce potential impacts to the wetlands. A note stating that no snow storage shall be located within 50 feet of any wetland is recommended to be added to the plan set. Additionally, the dumpsters in between Building 3 and 4 are located within the snow storage area; the dumpsters and/or the snow storage need to be shifted.

If there are any questions, please feel free to contact me at [jrowden@therpc.org](mailto:jrowden@therpc.org) or at 603-658-0521.

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