



Newton Planning Board
2 Town Hall Road
Newton, NH 03858
(603) 382-4405 X315



30 March 2023

Dear 125 Development NH Corp.

Attached is the Notice of Decision for your Major Site Plan application. It is based on the Planning Board decision of March 28th, 2023. Please submit your Mylars as soon as possible so they can be reviewed, signed, and recorded. Please note that no permits will be issued until the Mylars have been recorded. As soon as the Mylars have been recorded please contact the Planning Board office to schedule a pre-construction meeting with the Town engineer, Building Inspector and Fire Department. The Planning Board has rendered a decision to allow a specific use of the property and does not necessarily address Federal, State and Local Building or Fire Codes.

Unless otherwise specified in the notice, you have six months to comply with the Conditions Precedent. If the conditions are not met within six months, the conditional approval shall lapse, unless a mutually agreeable extension has been granted by the Planning Board. Extensions may be granted only if there have been no amendments to the Zoning Ordinance or regulations which would render the plan non-conforming, and if all other required permits are still valid.

Conditions Subsequent and Ongoing (as listed on your Notice of Decision) are conditions that appear on the final plat and deal with restrictions on the use of the property, conditions for permits or safeguards that must be observed during development of the parcel or once the structures are in use.

Please note that where no active and substantial work has commenced upon a site, plans that are approved and signed by the Board shall expire two years from the date the plan is signed. An extension, not to exceed one year, may be granted by majority vote of the Board so long as it is applied for at least thirty days prior to the expiration date.
Thank you.

Signed copy in Planning Board Office

Dennis Moran, Chairman
Newton Planning Board



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NOTICE OF DECISION

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 UNANIMIOUS 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.
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. *Written confirmation of approval from the gas pipeline easement holder for the proposed construction and use, 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 \$2,124,597.75 (either cash or Letter-of-Credit).*



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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.

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.*



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- 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 Planning Board.***

Signed copy in Planning Board Office

Dennis Moran, Chair
Newton Planning Board
March 30, 2023

cc:

125 Development NH Corp ^c/o Jones and Beach Engineers, INC

Building Department Fire Department Police Department Health Department
Conservation Commission Board of Selectmen Assessor's Office PB Files
Zoning Board of Adjustment