

# **NEWTON PLANNING BOARD PUBLIC MEETING MINUTES**

## **November 24<sup>th</sup>, 2020**

The Newton Planning Board public meeting was called to order at: 7:00PM

Chairman Hamel read the following statement: As Chair of the Newton Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, and most recently extended by Executive Order 2020-23 this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that:

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting telephonically, or by going to the Zoom website.

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting telephonically. Instructions have also been provided on the Town website.

If anyone has a problem, they should email the Planning Board Office at: [PlanningBoard@newtonnh.net](mailto:PlanningBoard@newtonnh.net).

In the event the public is unable to access the meeting, the meeting will be rescheduled and adjourned.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Also, in accordance with the Governor's Emergency Order #23 pursuant to Executive Order 2020-04, and most recently extended by Executive Order 2020-23 the Planning Board is relieved from the statutory and local requirement to meet on a particular schedule or a certain number of times within a given time frame. The Planning Board is also relieved from complying with statutory or local deadlines for accepting, hearing and acting on planning board applications.

Note: As an attendee of the meeting, your microphone and/or phone will be muted. The Board Chair will specify when the public comment period is open for an application. Town staff will be in attendance at the meetings to manage the public comment process. If you are participating online with the Zoom program, click on the hand icon at the bottom

of the screen. This will “Raise Your Hand” so that the moderator knows that you wish to speak. If you are participating by phone, press \*9. This will indicate to the moderator that you wish to speak. When it is your turn, the moderator will unmute you and let you know that you can share your comments.

When speaking during the meeting, please announce your name so the Administrative Assistant can know who is speaking as he takes the minutes.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Hamel – Present and alone  
Ms. Estabrook – Present and alone

Mr. White – Present and not alone  
Mr. Andrews – Present and alone

Also, Present:

Ms. White - Alternate – Present - not alone.

James Doggett – PB AA – Present and alone  
Ms. Rowden - Circuit Rider– Present and alone

Chairman Hamel appointed Ms. White as a voting member in place of Ms. Collyer.

The following Public Hearings were held:

Mr. Hamel recused himself from the next two public hearings.

1. Ms. Estabrook then called the Public Hearing to order at: 7:06PM and read:

***A continuation of 125 Development NH Corp of Plaistow, NH’s request for a public hearing on a Major Non-Residential Site Plan on Puzzle Lane, Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-7.***

***When speaking during the meeting, please announce your name so the Administrative Assistant can know who is speaking as he takes the minutes.***

Ms. Estabrook informed those present that the Board was still at the stage of deciding if the application was or was not complete. She asked the applicant for his input

Ms. Estabrook asked Ms. Rowden for her input.

Ms. Rowden stated that the application was still incomplete as no architectural renderings, floorplans, or elevations had been supplied.

Mr. McDonough stated that he had submitted a waiver request. He stated that they had already built 12 building and that he would take some pictures for the board. However,

without approval from the ZBA they wanted to hold off on a rendering that had never been asked for before on the past six buildings. He believes the Board can see the flavour of what they put up which he believes is very appealing. He stated his buildings have either split-faced block or stone veneer, with awnings and full-view-glass doors, with building height of 30-feet. This building would have a small office and the remaining part of the building used as a flex-building and an open-space warehouse. He stated that his potential tenant was getting impatient. He stated that the Board had been informed that they could take jurisdiction and approve the plan with a condition of it getting ZBA approval. He asked that the Board accept his waiver request.

Ms. Rowden offered to review the choices the Board has concerning the application: the Board has the option of granting the waiver, thereby making the application complete and able to have jurisdiction taken and proceed with the application; the Board can deny the waiver and require the applicant to supply the required documents (IE. architectural renderings, floorplans, and elevations).

Mr. McDonough commented that with 12 buildings up in the park this is the first time he is being required to supply a floor layout. He stated that 1/3 to 1/8 of the building's footprint will be office as is common in his other buildings. He further stated that the height would be about 30 feet high, similar to the other buildings in the park. Again, he stated he did email a written waiver request.

A.A. Doggett informed the Board that, after checking the Planning Board email, a waiver request was received that evening.

Ms. Estabrook iterated that the Board had been requesting this information for the prior 3-4 meetings.

(Mr. Crnolic arrived at the meeting)

Ms. Rowden stated that, with the supplication for the waiver, the application is technically complete. So, the Board could take jurisdiction but should immediately take up the waiver request. The Board has the option of taking jurisdiction; granting the waiver; and proceeding with the application; or the Board can deny the waiver and require the applicant to supply the required documents

Mr. Andrews asked A.A. Doggett to share the plan for the lot showing the building.

Mr. McDonough stated the building was 60-foot by 100-foot covering an area of 6,000 square feet, 30 feet high, 1/3 office space.

Mr. Hamel, as an abutter, had a technical question that lot 14-1-(23-7) does not yet exist. The plan for the subdivision had not been filed at the Rockingham County Registry of deeds. The Planning Board conditional approval required that it receive approval by the Plaistow Planning Board. So, as far as he knows the lot does not legally

exist. He asked if the Planning Board can accept a site plan when the subdivision had not been fully approved.

Ms. Rowden stated that: Yes, the Planning Board can accept the application; yes, the Planning Board can conditionally approve the plan; but one of the conditions absolutely has to be that the subdivision that was conditionally approved in Newton needs to receive final approval and be recorded. If that does not happen any site plan for 14-1-(27-7) can not be approved. While it can be processed by the Planning Board it must be conditional upon the original subdivision receiving final approval and being recorded.

Mr. McDonough stated that they are working on the 5 conditions needed to be met to finalize the subdivision plan. He stated that one of the major issues they were having is the Planning Board's requirement to have the plans stamped by the Town of Plaistow. Plaistow informed him that they do not have a stamp. He stated his engineer put a signature block on the plan for the Plaistow Planning Board signatures. Mr. McDonough is confused as to what to apply for in Plaistow. He claimed the Plaistow Planner suggested that 125 Development NH Corp apply for a lot-line adjustment and have the Planning Board in Plaistow sign off on the plans. He believes the only thing that Plaistow should be concerned with is the newly added lot-line separating the 2.5 acres for lot 14-1-(27-7).

Ms. Estabrook asked how the conditions were stated on the Notice of Decision.

A.A. Doggett shared the Notice of Decision from his screen.

Ms. Rowden stated that she expected that there would be an endorsement block where the Chair of the Plaistow Planning Board would sign the plans once they had approved the 4-lot subdivision. Under RSA 674:53, (4) Newton can not approve a plan on property that crosses a municipal boundary without approval from both municipalities. She informed Mr. McDonough that he needed a subdivision approval from Plaistow. She offered to discuss the issue with the Plaistow Planner.

Mr. McDonough thanked her for her offer of assistance. He stated that Plaistow had suggested that he apply for a lot-line adjustment. He feels this is the only change to the plan is the new lot line.

Ms. Rowden reminded Mr. McDonough that a new lot line is a subdivision and needs subdivision approval.

Mr. McDonough stated that he would make that application as required.

Ms. Estabrook suggested that the applicant write down the RSA that Ms. Rowden read and use it as a guideline.

Mr. McDonough stated he understood what he needed to do. He again stated it was a lot-line adjustment.

A.A. Doggett shared the Notice of Decision.

Mr. Andrews stated that he thinks Ms. Rowden's offer to speak with the Plaistow Planner is a good idea. Further, he believes a lot is being lost in translation and Ms. Rowden speaking to the planning people in Plaistow would save a lot of time and miscommunications.

Mr. Andrews **MOVED** to find the application to be complete and take jurisdiction; Mr. Crnolic seconded the motion.

Ms. Estabrook asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye	Mr. Andrews - aye	Mr. White - aye	Ms. Estabrook – aye
Ms. White – aye			<b>Passed Unanimous</b>

Ms. Estabrook asked for the language of the waiver.

A.A. Doggett read the email about the waiver to the Board.

Ms. Rowden read the section covered by the waiver:

SITE PLAN REGULATIONS

7.1.5 Specific Plan Information - Proposed Site Conditions

- C. The shape, size, height, and location of all proposed structures, including expansion of existing structures on the site, first floor elevation(s), building elevation(s), and a rendering of the proposed structure(s).

Ms. Estabrook asked if the applicant if that was the intent of his waiver request.

Mr. McDonough stated it was.

A.A. Doggett shared the criteria for granting waivers from the Site Plan Regulations.

A discussion ensued about the merits of the waiver.

Mr. Andrews feels that the waiver does not meet the criteria.

Mr. McDonough stated that he had never been asked to supply these documents before.

Ms. White agreed with Mr. Andrews that it did not meet the standards.

Mr. Lekborg stated that they had always dealt with the building department when it came to building designs. He asked if factory drawings would suffice for architectural drawings.

He stated that they would add a floorplan. He stated that this was being built for a specific customer.

Mr. Andrews reiterated that they were looking for elevations, not floorplans. While he would like to see a floorplan, it is not required. He feels floorplans are the purview of the Building Department not the Planning Board.

Ms. Rowden opined that a floorplan might dictate the need for additional parking and other things that are in the scope of the Planning Board.

Ms. Rowden suggested that if the applicant supplies the information then there is no need to vote on the waiver.

Mr. McDonough stated the information would be supplied for the next meeting and asked the Board not to vote on the waiver.

A.A. Doggett informed the applicant that the information needed to be in the Planning Board office by 1:00pm on December 3<sup>rd</sup>, 2020.

Ms. Estabrook questioned the status of having taken jurisdiction.

Ms. Rowden stated that since the Board took jurisdiction with a waiver request making the application complete, if the Board votes to deny the waiver then the applications reverts to being incomplete.

Mr. Andrews **MOVED** to continue this item to December 8<sup>th</sup>, 2020. Mr. Crnolic seconded.

Ms. Estabrook asked about the Town Engineer's letter and the points brought up in it.

Mr. McDonough stated those would be addressed on the 8<sup>th</sup> of December though he believed his engineer had already addressed them.

Mr. Gregsak stated that he had not yet addressed them.

Ms. White stated that because of the number of continuances this application had already had, she felt it might be wise to re-notice it for the abutters and other interested parties.

Ms. Rowden stated that it did not need to be formally re-noticed however if the Board chose to do a non-certified mail noticing that that would be respectful to those who have an interest in the outcome of the public hearing.

Ms. Estabrook asked if the ZBA had approved the variances required for this lot.

Ms. Rowden stated that the applicant had exhausted all his appeals before the ZBA and that they would have to go to Superior Court to overturn the ZBA decisions.

Ms. Estabrook asked Administrative Assistant Doggett to call the roll:

Ms. White – aye      Mr. Crnolic – aye      Mr. Andrews - aye      Mr. White - aye  
Ms. Estabrook – aye      **Passed Unanimous**

2. Vice-Chairman Estabrook called the Public Hearing to order at: 7:11PM and read:

***A continuation of 125 Development NH Corp of Plaistow, NH's requests for a public hearing for a 36 Lot Subdivision South Main Street (Rte. 108) Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-3.***

***When speaking during the meeting, please announce your name so the Administrative Assistant can know who is speaking as he takes the minutes.***

Ms. Estabrook asked Ms. Rowden to update the Board on the application's status.

Ms. Rowden stated that the application was still incomplete. The concerns listed in the Town Engineer's review letter are still open issues.

Mr. Gregsak stated that he had discussed the issues with the Town Engineer, Mike Vignale. One item regarding the entrance has issues that he would like the Board to consider and which he would like to discuss and reach an accord with Mr. Vignale about, with the Board's permission.

A discussion ensued with the board agreeing it would be best for the engineers to discuss the issue but that the solution needed to be as close to the ordinance as possible or a waiver request would have to be submitted.

(Ms. Collyer joined the meeting at 8:24. Vice-Chair Estabrook appointed Ms. White as a voting member in place of Mr. Hamel)

Ms. Estabrook asked if the applicant wished to ask for a continuance for this item.

After some discussion, Mr. Gregsak requested this item be continued to January 12th, 2021."

Ms. Collyer **MOVED** to continue this item to January 12<sup>th</sup>, 2021; Ms. White seconded.

Ms. Estabrook asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye      Mr. Andrews - aye      Ms. White - aye      Ms. Collyer – aye

Mr. White - aye      Ms. Estabrook – aye      **Passed Unanimous**

Chairman Hamel returned to the Board. Ms. White was no longer a voting member

### **3. Board Business and Correspondence**

#### **A. NPREA Manifest**

Mr. Andrews **MOVED** to pay the 2 Manifests dated November 24<sup>th</sup>, 2020 in the in the amounts of \$1,801.91 and \$2,065.61; Mr. White seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye      Mr. Andrews - aye      Mr. White – aye      Mr. Hamel - aye  
Ms. Collyer – aye      Ms. Estabrook – aye      **Passed Unanimous**

#### **B. Acceptance of minutes of the 11/10/20 meeting**

Ms. Collyer **MOVED** to accept the minutes of November 10<sup>th</sup>, 2020; Mr. Crnolic seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye      Mr. Andrews - aye      Mr. White – aye      Mr. Hamel - aye  
Ms. Collyer – aye      Ms. Estabrook – aye      **Passed Unanimous**

#### **C. Committees**

Mr. Hamel offered his draft of language about subcommittees to be added to the Rules of Procedures. A healthy discussion ensued.

Ms. Collyer **MOVED** to place the new language on the next agenda for a vote and to post the text with the next agenda; Ms. Estabrook seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye      Mr. Andrews - aye      Mr. White – aye      Mr. Hamel - aye  
Ms. Collyer – aye      Ms. Estabrook – aye      **Passed Unanimous**

### **4. Motion to adjourn**

Chairman Hamel adjourned the meeting at 8:52PM.



Respectfully Submitted,

James L. Doggett, AA  
Newton Planning Board