

NEWTON PLANNING BOARD PUBLIC MEETING MINUTES

July 14th, 2020

Chairman Hamel called the Public Meeting to order at 7:09pm and 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 2020-14 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.

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 2020-14 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

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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.

The meeting is also being broadcast on Comcast Channel 20. There is about a 5 second time lag between what is displayed on the Zoom meeting and what is seen on the television. If you are on the phone and watching television, you should lower the volume on the television.

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

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

Mr. Hamel – Present and alone	Mr. White – Present and not alone
Ms. Estabrook – Present and not alone	Mr. Andrews – Present and alone
Ms. Collyer – Present and alone	Mr. Crnolic – Present and alone
Mr. Foote – Present and alone	

Also Present:

Ms. Allen - Alternate – Present and alone	Ms. White - Alternate – Present and not alone
Mr. Sforza - Alternate – Present and alone	Mr. Zalenski - Alternate – Present and alone
James Doggett – PB AA – Present and alone	Ms. Rowden - Circuit Rider–Present and alone

Mr. Hamel asked if there were any motions on the duration of the meeting.

Mr. Andrews **MOVED** that the meeting adjourn at 9:30, unless still in an open public hearing, except to open and continue any remaining Public Hearings as well as deal with anything under “Other Business”. Any unresolved Public Hearings will be the first items on the next meeting agenda. Ms. Collyer seconded the motion.

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

Mr. Hamel - yes	Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote - yes
Mr. White - yes	Mr. Andrews - yes	Mr. Crnolic – yes	Unanimous vote

The following Public Hearings were held:

Chairman Hamel recused himself for the following Public Hearing.

1. Vice-Chairman Estabrook appointed Ms. White as a voting member in place of Mr. Hamel. She then called the Public Hearing to order at: 7:19PM and read:

125 Development NH Corp of Plaistow, NH requests a public hearing for a 4 lot Subdivision at 6 Puzzle Lane, Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-3.

Mr. Gregsak made his presentation on the 4-lot subdivision citing the variances given by the Board of Appeals: Lot 14-1-27-3 would have 49.97 feet of frontage on Rte.108; proposed lots 14-1-27-5 and 27-6 would have no frontage on a Town road; a reduction of the setback requirement on proposed lot 14-1-27-5 to less than 50-feet; and a variance for proposed lot 14-1-27-7 with no frontage on a Town road and less than 5 acres.

Ms. White asked about a Planning Board Site Walk that was discussed at the Board of Appeals meeting.

Ms. Collyer stated that she and other members had visited the site.

Vice-Chairman Estabrook asked Ms. Rowden for her input on Completeness of the application

Ms. Rowden offered that her review letter was available was based on the plans received on June 3rd, 2020. She stated that for the plan to be legal the Planning Board must approve the plan; the town of Plaistow Planning Board must approve the plan and the plan must be recorded. Further, she did not find the plan to be complete and recommended that Planning Board not take jurisdiction. She brought up the two waivers, for the High Intensity Soil Survey and for a reduction in the application fees. The incompleteness is due to failure to submit detail surrounding the largest lot, the remainder of lot 14-1-27-3 the full extent of the lot is not shown; there are no contour lines; no features such as an existing roadway or utilities are shown; the plan is not to the proper scale; and no information concerning test pits are shown. All of these items are required by Newton Subdivision Regulations. She is further concerned that this large lot has only 49.97 feet of frontage for access. While it is planned to become an industrial park as has been shown, she feels that a proposed entranceway needs to be shown considering the intensity of the future use of the lot.

Ms. Estabrook is concerned about the access and stated that the Planning Board could decide that the access on Rte. 108 could limit what could be done on the remainder of lot 14-1-27-3.

Ms. Rowden replied that a road to handle the intensity of the proposed development would need to be a Minor Collector Road with a width requirement of 60-feet. Even to create a Local Road would require 50-feet of width. The Applicant could request a Waiver on the width. She further stated that the curb cut would have to be through the NH-DoT and that that was beyond the Planning Board's control and she has concerns about that not being approved.

Mr. Andrews stated that he felt the application was incomplete and the board should not take jurisdiction.

Mr. Andrews **MOVED** to find the application as being incomplete and not take jurisdiction at this time. There was no second.

Ms. Collyer asked if the Board could approve subdividing just 3 lots off the main parcel and leave the remainder of 14-1-27-3 for the future?

Ms. Rowden stated that that would require a different application, right now the application is for a 4-lot subdivision. There is no way to do a partial approval of fewer than the four lots.

Ms. Estabrook asked about the shape of the lots and minimum widths needed to satisfy the Regulations.

Mr. Gregsak said that they do show test-pits, topographical lines, and soil samples on the smaller lots. But not on the larger lot.

Ms. Collyer asked if the application could be accepted subject to getting the required information.

Ms. Rowden suggested the public hearing be continued to the next meeting.

Ms. Collyer **MOVED** to continue the public hearing to the meeting on July 28th, 2020.
Mr. Crnolic seconded the motion.

Mr. Hamel asked an Administrative Question to see if the Board would continue the public hearing to the first meeting in August due to the multiple public hearings already scheduled for July 28th, 2020.

Ms. Rowden suggested that the Board could consider an additional meeting outside the scheduled ones. A general discussion followed.

Ms. White brought up several changes that need to be made to the cover sheet.

Mr. Andrews asked about the existing condominiums and how they would be affected.

Mr. Gregsak assured the Board that all requested information would be supplied.

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

Mr. Crnolic-yes	Mr. Edwards-yes	Ms. White-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Ms. Estabrook-yes	Unanimous vote

Ms. Rowden asked that the plans be to her in time to review.

A.A. Doggett reminded Mr. Gregsak that any new documents needed to be to the Planning Board office by 1:00 on July 23rd, 2020 for inclusion in the Board Packets.

Mr. Gregsak assured the Board he would meet the requirements.

Chairman Hamel returned to the Board.

2. Mr. Hamel called the Public Hearing to order at: 8:15PM and read:

Richard Russell and Jared Russell of Newton, NH request a Public Hearing for a Conditional Use Permit – Accessory Apartment at 46 N. Main St., Newton, NH. The property is referenced as Tax Map 10, Block 2, Lot 23.

Mr. Hamel invited Mr. Russell to present his application

Mr. Russell made his presentation on the Accessory Apartment explaining that it would be in an existing part of the home connecting the main house and the barn. There would be no exterior changes to the house other than replacing an existing exterior door with a better one and building a small overhang above the door.

Mr. Hamel asked Ms. Rowden for her input on the application

Mr. Foote asked if the apartment had already been built. He reminded the applicant that he must follow N.F.P.A. rules and guidelines.

Ms. Rowden offered her opinion that the plan met all Conditional Use – Accessory Apartment requirements. She suggested a notice of decision include the applicant needing to meet all local and state codes.

Ms. Collyer **MOVED** to accept the application as complete and to take jurisdiction. Mr. White seconded the motion.

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

Mr. Crnolic-yes	Mr. Andrews-yes	Ms. Estabrook-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Mr. Hamel-yes	Unanimous vote

Mr. Hamel asked when the home was built. He was concerned that the regulations require the door to an accessory apartment be on the side or back of a building, and that the Applicant had not created the doorway recently.

A.A. Doggett stated it was pre-Civil War construction.

Mr. Crnolic asked if the door shown at the back of the house led to the backyard.

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Mr. Russell answered yes.

Mr. Andrews commented that the new septic plan was for 4 bedrooms. He asked if the existing house had 3 bedrooms and the accessory apartment would have only 1 bedroom.

Mr. Russell said that was correct.

Mr. Hamel opened the floor for Public Comments.

Ms. Lisa Gonyer (an abutter) stated that the exterior has not changed, and the apartment would be in keeping with the surrounding neighborhood.

Mr. Hamel asked for a motion on the application

Mr. Andrews **MOVED** to approve the Application with the following conditions:

1. A life safety inspection
2. Obtain all Town and State permits

Mr. Crnolic seconded the motion.

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

Mr. Crnolic-yes	Mr. Andrews-yes	Ms. Estabrook-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Mr. Hamel-yes	Unanimous vote

Chairman Hamel closed the public hearing at 8:35

3. Mr. Hamel called the Public Hearing to order at: 8:37PM and read:

Kelly and Nicolas McCarthy of Newton, NH request a Public Hearing for a Lot-Line Adjustment between 45 Highland St. and 75 Whittier St., Newton, NH. The properties are referenced as Tax Map 5, Block 4, Lots 5 & 18-2.

Mr. Hamel invited Mr. Casey to present his application

Mr. Casey made his presentation about the lot-line adjustment. The Applicants own both lots.

Mr. Hamel asked Ms. Rowden for her input on Completeness of the application

Ms. Rowden offered her opinion that it is a simple lot-line adjustment and while one lot is a pre-existing non-conforming lot this plan does not make it more non-conforming. She has no concerns.

Mr. Hamel ask if any member has any questions about completeness of the application.

Ms. Collyer **MOVED** to accept the application as complete and to take jurisdiction. Mr. Andrews seconded the motion.

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

Mr. Crnolic-yes	Mr. Andrews-yes	Ms. Estabrook-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Mr. Hamel-yes	Unanimous vote

Ms. Estabrook asked to be shown the lot-line to be abandoned and which one will be created.

Mr. Casey explained their location on the plans. A.A. Doggett showed the lines on the shared documents.

Mr. Hamel asked the width between the corner of lot 5-4-6 and the new lot line. A.A. Doggett showed the area on the shared documents.

Mr. Andrews commented that this could be used as a driveway for a new lot.

Ms. McCarthy responded that there would not be a new lot, the driveway would connect to her present driveway. She has plans to build a horse barn on the land and that would give her direct access to the building. The distance is 39-feet.

Mr. Hamel read the regulations that “no portion of a lot created shall be less than seventy-five feet in width”. Which is a concern for him.

Ms. Rowden suggested the applicant request a waiver from Section 8:3.2d of the Subdivision Regulations.

Mr. Andrews asked if the waiver could be restricted to the present owner.

Ms. Rowden offered that any future subdivision of the land would require a variance from the Board of Appeals. The waiver would not carry forward to a new subdivision. The applicant could email a waiver request to A.A. Doggett.

Ms. Estabrook asked questions of the wording of the waiver.

It was determined that the waiver needed to be worded in general not specific measurements.

The emailed waiver request was received.

Mr. Hamel opened the floor for Public Comments on the waiver.

Mr. Hamel asked for a motion on the waiver.

Ms. Collyer **MOVED** to approve the applicant a waiver from the Minimal Width Requirement in Section 8.3.2d of the Subdivision Regulations. Mr. Foote seconded the motion.

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

Mr. Crnolic-yes	Mr. Andrews-yes	Ms. Estabrook-no	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Mr. Hamel-yes	6-in favour/ 1 against

Ms. Estabrook would like to see the width noted on the plan.

Mr. Hamel opened the floor for Public Comments.

Mr. Hamel asked for a motion on the application

Ms. Collyer **MOVED** to approve the Application for the Lot-Line Adjustment. Mr. Foote seconded the motion.

Ms. Estabrook asked if the motion could include a requirement to put in new Boundary Markers. It was accepted as a friendly amendment.

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

Mr. Crnolic-yes	Mr. Andrews-yes	Ms. Estabrook-no	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Mr. Hamel-no	5 in favour/ 2 against

Chairman Hamel closed the public hearing at 8:57

Chairman Hamel recused himself for the following Public Hearing.

4. Vice-Chairman Estabrook appointed Ms. White as a voting member in place of Mr. Hamel. She then called the Public Hearing to order at: 9:00PM and read:

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

Ms. Estabrook asked Ms. Rowden if the Board could discuss this issue as the lot had not yet been approved.

Ms. Rowden informed the Board that this was a simple design review and was not binding on the Board or the Applicant. That no decisions would be made, it was just for a general discussion of the plans offering questions and comments.

Mr. Gregsak presented the conceptual plan of the 36-lot Light Industrial/Commercial subdivision of lot 14-1-27-3. He acknowledged that the applicant would need to take the application through the same process in Plaistow.

Ms. Rowden asked if this plan was to cover Phases two and three.

Mr. Gregsak said it was.

Ms. Rowden presented her comments as contained in her review letter. The applicant would need full approval from the Town of Plaistow for any lots that crossed into Plaistow. The access road will need to be considered and the Planning Board will need to determine what kind of access road it will be, Local Collector or Minor Collector Road. Variances will need to be received from the Board of Appeals on setback requirements; on lot frontage (if the road is private); on wetland setbacks. Each site will require an individual Site Plan submitted and will need to meet the new Stormwater Management Regulations. Most of the present lot lies within the Aquifer District and attention needs to be paid to future uses and what is permitted within that district. Due to the size of the development the Planning Board may decide it constitutes a Regional Impact.

Ms. White asked if there would be a cul-de-sac as a temporary stop point during the phasing in of the project.

Mr. Gregsak said there would be.

Ms. White asked if they would be showing the aquifer zones.

Ms. Rowden stated the plans would have to show all aquifer zones.

Ms. Collyer asked who determined if the roadway needed to be fifty or sixty feet wide.

Mr. Gregsak stated the roadway could be built on the existing width.

Ms. Rowden stated that Newton's Subdivision Regulations list the widths of the various roadways, but the NH-DoT will give input; may have additional requirements and has the final say.

Ms. Collyer asked about the zone and noted that several proposed buildings would impact residential properties and special consideration are needed to protect those properties.

Ms. Estabrook wants the Board to look into the roadway widths and asked if the boxes on the plans were meant to the locations of proposed buildings.

Mr. Andrews has concerns about setbacks and the potential impact on wetlands.

Mr. Lekborg stated the building shown are the max of what could be built so that people could see how much could be built.

Ms. Rowden reminded everyone that variances for building expire two years from date of issuance.

At this time Vice-chair Estabrook asked if the Board wished to go past 9:30PM as it was drawing nigh. The Board continued.

Ms. Estabrook commented that several parcels were bisected by the Newton/Plaistow Town Line.

Ms. Rowden stated that the land in Plaistow would need to conform to Plaistow's regulations and Plaistow would have to approve any subdivision and give variances given any land in Plaistow.

Ms. Estabrook stated she felt everything was squeezed into the space and she would prefer to see a more open plan.

Mr. Lekborg stated that they tried to show the maximum possible.

Ms. Estabrook reiterated the recent vote of the Town of Newton regarding setbacks.

Ms. Rowden reminded the Board that variances are the prevue of the Board of Appeals.

Mr. Andrews asked about all the pond designations and how they were defining a pond.

Mr. Gregsak stated that these were infiltration/drainage ponds not bodies of water.

Ms. White asked if the applicant had made any consideration of fire-ponds or cisterns.

Mr. Lekborg discussed existing fire-ponds and that they would be installing cisterns during the building phase.

Ms. Estabrook opened the floor for public comment.

Mr. Alberti spoke about the needs to have the setbacks be from the Town Line as the land in Plaistow is zoned for low-density residential use. He also had issues with the negative impact this would have on abutting property. He referenced his email to the Planning Board on the matter.

Ms. Rowden stated that Plaistow would have to issue a variance for the land in Plaistow to be used for Light Industrial/ Commercial use.

Mr. Beckback asked why buildings are shown inside the setbacks when they can't be built there without variances.

Mr. Lekborg stated that the buildings would need variances but might not be built as shown.

Ms. Rowden suggested that if the Board was looking for as much input as possible then the Board might consider declaring the project as having regional impact. There was a brief discussion of what regional Impact means.

Mr. Andrews **MOVED** to declare the project as having Regional Impact and ask the Rockingham Planning Commission for input. Ms. Collyer seconded the motion.

Ms. Collyer spoke about the applicant wanting as much input as possible and that this would garner them more opinions.

A discussion of the ramifications of a Regional Impact Declaration ensued.

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

Mr. Crnolic-yes	Mr. Andrews-yes	Ms. Estabrook-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Ms. White-yes	Unanimous vote

Ms. Collyer **MOVED** to continue the public hearing to the meeting on July 28th, 2020. Mr. White seconded the motion.

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

Mr. Crnolic-yes	Mr. Edwards-yes	Ms. White-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Ms. Estabrook-yes	Unanimous vote

Chairman Hamel rejoined the Board

5. Mr. Hamel called the Public Hearing to order at: 10:00PM and read:

Sedat Uguz and Brittany Cormier of Newton, NH request a Public Hearing for a Conditional Use Permit – Home Based Business at 57 Pond St., Newton, NH. The property is referenced as Tax Map 5, Block 6, Lot 4-1.

Mr. Hamel asked for a motion to continue the public hearing.

Ms. Estabrook **MOVED** to continue the public hearing to the meeting on July 28th, 2020. Mr. Crnolic seconded the motion.

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

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Mr. Crnolic-yes Mr. Edwards-yes Mr. Hamel-yes Mr. Foote-yes
Mr. White-yes Ms. Collyer-yes Ms. Estabrook-yes **Unanimous** vote

6. Mr. Hamel called the Public Hearing to order at: 10:05PM and read:

125 Development NH Corp of Plaistow, NH requests 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.

Mr. Hamel asked for a motion to continue the public hearing.

Mr. White **MOVED** to continue the public hearing to the meeting on July 28th, 2020.
Mr. Crnolic seconded the motion.

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

Mr. Crnolic-yes Mr. Edwards-yes Mr. Hamel-abstain Mr. Foote-yes
Mr. White-yes Ms. Collyer-yes Ms. Estabrook-yes **6 in favour/1 abstained**

7. Board Business and Correspondence

a. NPREA Manifest

Mr. Andrews **MOVED** to approve the July 14th NPREA Manifest in the amount of \$961.30, Mr. White seconded the motion.

Mr. Hamel read the manifest for the members.

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

Mr. Hamel - yes Ms. Estabrook - yes Ms. Collyer - yes
Mr. White - yes Mr. Andrews - yes Mr. Crnolic – yes **Unanimous vote**

Mr. Foote lost his connection.

b. Acceptance of minutes of the 6/9/20 Public Meeting

Ms. Collyer **MOVED** to accept the minutes; Ms. Estabrook seconded the motion. Mr. White offered the correction that Ms. White was not alone at the meeting as stated during the rollcall of members.

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

Mr. Hamel - yes Ms. Estabrook - yes Ms. Collyer - yes
Mr. White - yes Mr. Andrews - yes Mr. Crnolic – yes **Unanimous vote**

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c. Correspondence – None

8. Adjourn:

Chairman Hamel adjourned the meeting at: 10:15pm

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board