



Newton Planning Board

NEWTON PLANNING BOARD PUBLIC MEETING MINUTES August 10th, 2021



Chairman Andrews called the Newton Planning Board meeting to order at: 7:05PM.

Present, in-person were:

Members: Mr. Andrews Mr. Moran Mr. LaVoie
Also Present: Mr. Marchand – Alternate
James Doggett – PB AA and Ms. Rowden - Circuit Rider

Present, via Zoom were:

Members: Ms. White and Ms. Collyer

Chairman Andrews appointed Mr. Marchand as a voting member in place of Mr. White.

1. Public Hearing:

1. Chairman Andrews called the Public Hearing to order at: 7:05PM and read:

The Newton Planning Board will hold a public hearing on adoption of new Introduction, Vision, and Government & Facilities chapters of the Newton Master Plan. The documents are available on the Town's website and at Town Hall.

Chairman Andrews asked for public input.

Mr. Roger Hamel thanked the committee for their work and offered a correction:

In the Government and Facilities section, the ZBA is listed as having elected members however they are appointed.

Ms. Collyer stated she would make that correction.

There was no more public comment.

Chairman Andrews asked for a motion to continue

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

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Please check subsequent minutes for approval of and/or amendments to these minutes. 1

Mr. Lavoie **MOVED** to the public hearing to the next Planning Board meeting. Mr. Moran seconded the motion.

Chairman Andrews asked Administrative Assistant Doggett to call the roll:

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous	vote

2. Chairman Andrews called the Public Hearing to order at: 7:10PM 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.

Chairman Andrews asked Ms. Rowden for her input on Completeness of the application

Ms. Rowden offered her that this application was the same as the one conditionally approved in September of 2020. However, that approval expired due to the conditions not being met. She noted that on first review the application was incomplete as it lacked HISS mapping of the largest new parcel and the requirement for test pits to be done on the largest remaining parcel. She stated that the applicant had, that day, submitted waiver requests for both issues and she felt that these waiver are reasonable. She further stated that with the waiver requests the application was complete for jurisdiction.

Chairman Andrews ask if a member wanted to make a motion on completeness or to take jurisdiction.

Ms. Collyer **MOVED** to take jurisdiction; Ms. White seconded the motion.

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

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous	vote.

Mr. Andrews invited Mr. Gier of Jones and Beach to present his application.

Mr. Gier presented the 4-lot subdivision stating that would give each of the existing buildings their own lot and create 2 additional lots: the remaining bulk of the land for future development and a small lot across the private road from the existing buildings. He reviewed the variances granted by the Newton Zoning Board of Adjustment for each lot and his waiver request for the HISS mapping and Test pits on the larger remaining lot. 8.1.5.k for the High Intensity Soil Sampling and 8.1.6,c Test Pit requirements. He stated these would have to be done in the future if and when development is planned for this lot as that development would require Planning Board approval.

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 2

Mr. Andrews asked Ms. Rowden to go over her review letter.

Ms. Rowden stated that approval by Plaistow had been one of the conditions previously required and that there is a note on this plan set stating that no approval from Plaistow is necessary. She further explained that under State law if you cannot meet the frontage requirements of a subdivision within your town's border you must get release from this requirement. The Plaistow portion of the larger remaining lot has no frontage in Plaistow therefore Plaistow must sign a release acknowledging this aspect. She offered that satisfaction of this issue be made a condition of approval for the application. She further suggested removing the note that is on the cover page concerning this matter.

Mr. Gier stated that the note was put there at the suggestion of the Plaistow Town Planner and he will get a letter from Plaistow covering the matter. His client will do whatever Newton and Plaistow require.

Mr. Andrews stated he dislikes the note on the plan.

Ms. Rowden concurred and suggested a condition of approval that a letter or approval from Plaistow covering the matter be a requirement.

Ms. Rowden continued her review by commenting that any waivers or variances be listed on the plans. She corrected a note that stated that the applicant did not receive a variance for proposed lot 27-7 for a lot without frontage on a public road. The variance was received on appeal on May 11th, 2021. The variances needed to build on the lot were the ones that were denied. She covered the remaining comments and suggested conditions of approval as listed in her review letter.

Mr. Andrews brought up the issue of proposed lot 27-7 having too little buildable land without major variances from zoning requirements. He noted that the ZBA minutes state that this is to be a non-buildable lot and fears that in the future this lot will be brought back to the board to make it buildable. He would like to see a note on the plan stating the perpetual status of this lot.

Mr. Gier stated that the applicant can re-apply after 3 years for variances to allow building on that lot. He does not want to limit his client's rights to seek variances in the future.

Ms. Collyer **MOVED** to grant the two waiver requests from Jones and Beach; Mr. LaVoie seconded the motion.

Mr. Andrews invited Mr. Gier to read his waiver requests and make comments.

Mr. Gier read the following:

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 3

Waiver #1 SUBDIVISION REGULATIONS Section 8.1

8.1.5 Specific Plan Information - Existing Site Conditions

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section X, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

K. A High Intensity Soil Survey (HISS) of the entire site, or the portion as determined by the Board. Calculations shall be provided and shown on a sheet appropriate to the plan. Such soil survey shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted. (Amended May 1999)

Mr. Gier stated that 2 of the lots already have wells and septic systems on them and one lot is over 150 acres while the other undeveloped lot is over 2.5 acres. These undeveloped lots would need Planning Board approval before any development could take place on them, at which time the HISS mapping would need to be done.

Mr. Andrews asked Mr. Gier how the lot came to be developed as it is at this time.

Mr. Gier stated that the present conditions were done through the site plan regulations and had been approved by the Planning Board.

Mr. Andrews asked Ms. Collyer to amend her motion to allow the board to vote on each waiver separately. Ms. Collyer agreed and the motion under discussion is now:

Ms. Collyer **MOVED** to grant a waiver as requests by Jones and Beach from **SUBDIVISION REGULATIONS Section 8.1.5,C**; Mr. LaVoie seconded the motion.

Mr. Andrews invited Board discussion.

Mr. Moran asked about the Hardship claim

Mr. Gier stated that 2 lots already have wells and septic systems while the undeveloped lots would need to be mapped as part of their site plan approval process.

Mr. Moran asked if this was a financial hardship.

Mr. Gier stated yes.

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 4

There was a brief discussion of existing septic systems and requirements.

Mr. Andrews invited public comments on this waiver.

Ms. Peggy Connors of 7 Evergreen Drive (an abutter) Asked about the process and what HISS meant.

Mr. Moran explained HISS mapping.

There being no other public comments Mr. Andrews asked Administrative Assistant Doggett to call the roll:

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous vote	

Ms. Collyer **MOVED** to grant a waiver as requests by Jones and Beach from **SUBDIVISION REGULATIONS Section 8.1.5,C**; Mr. LaVoie seconded the motion.

Waiver #2 SUBDIVISION REGULATIONS Section 8.1.6 Specific Plan Information-
Proposed Site Conditions

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section X, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

C. The location for and pertinent data on at least two (2) test pits, 50 feet apart, and of at least one (1) percolation test to show that the regulations in Section 8.2.10,C have been met on each lot created by the subdivision. Information shall include at least the following: the location of the test pits, and outline of the four thousand (4,000) contiguous square feet. area reserved for leach field, percolation test data, the certification of the Town Agent witnessing the tests.

Mr. Gier explained that this waiver covers the two lots that already have septic systems in place.

Mr. Andrews invited the public to comment. There were no public comments.

Ms. Collyer **MOVED** to grant a waiver as requests by Jones and Beach from **SUBDIVISION REGULATIONS Section 8.1.6,K**; Ms. White seconded the motion.

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

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 5

Mr. Andrews – Aye Mr. Marchand – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. LaVoie - Aye Ms. White – Aye **Unanimous** vote

Waiver #3

Mr. Andrews read the waiver request from 125 Development NH Corp to reduce the NEPRA deposit to \$1000.00.

Mr. Andrews asked A.A. Doggett to give input.

A.A. Doggett explained that to date \$994.00 was spent on abutter notices which would barely be covered by \$1,000.00. He further explained there was still a legal notice to be paid for, registry fees, possible legal review fees and some small other fees and that a reduction to \$2,500 should cover the potential costs still outstanding.

Mr. Marchand **MOVED** to grant a waiver as requests by 125 Development NH Corp for a reduction in the required NPREA deposit. Mr. Marchand added that the reduction be from \$5,000.00 to \$3,000.00; Ms. Collyer seconded the motion.

Mr. LaVoie asked if the \$5,000.00 was already on deposit.

A.A. Doggett stated it was.

Mr. Andrews invited the applicant's agent for input.

Mr. Lekborg (applicant's agent) spoke to the reasons for the waiver request.

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

Mr. Andrews – Aye Mr. Marchand – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. LaVoie - Aye Ms. White – Aye **Unanimous** vote

Ms. White suggested that the Board may need to vote to release the funds.

A.A. Doggett explained that the refund would need to be on the next NPREA manifest.

Mr. Andrews opened the floor for public comment.

Mr. Roger Binette of 7 Pinecrest Circle asked how many units could be built on the 150-acre lot and would they have individual septic systems.

Mr. Andrews commented that the Board would not know until the applicant supplied an application for that proposed lot.

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 6

Ms. Rowden echoed his comments about the need for a new site plan for each undeveloped lot before anything could be built on them.

Ms. Lynne Jefferies of Plaistow (an abutter, no address given) stated that she had not been notified of this hearing and neither had her neighbor. She further asked if there was something to do with the town boundaries effecting the noticing.

Mr. Andrews commented that the Plaistow Planning Board would be weighing in on whether they would be requiring the applicant to address the Plaistow Planning Board on the application.

Ms. Jeffries stated if the plan does include the land in Plaistow, then there were more notices needed to have been sent.

Ms. Rowden stated that those abutters in Plaistow should have been notified.

Mr. Andrews stated there were many Plaistow addresses on the abutter list.

Mr. Gier stated that they had Plaistow's abutters on their list.

Ms. Jeffries interjected that they had missed quite a few.

A.A. Doggett asked if she was a member of a homeowner's association and that maybe the homeowner's association had received the notice.

Ms. Jeffries stated she was a property owner, and it is different property from the property owned by the homeowner's association.

Ms. Rowden gave the Board its options.

Ms. Collyer **MOVED** to continue the public hearing to August 24th, 2021; Ms. White seconded the motion.

Mr. Andrews stated that the Board would continue to take input from the public before voting to continue the public hearing to the next meeting.

Mr. Roger Hamel 17 Spruce Lane (an abutter) asked that the conditions from the previous, expired conditional approval be read.

Ms. Rowden read:

1. All Waivers and Variances must be listed on the first recorded page.
2. Approval by the Plaistow NH Planning Board.

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 7

3. Signature blocks for both Newton and Plaistow Planning Boards.
4. Must include all professional signatures and stamps.
5. Legal protections for the Town of Newton and liability waivers must be in place per Subdivision 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.

6. Set the bounds.

Mr. Andrews suggested that there should have been a condition to supply a recordable Mylar.

Mr. Andrews asked Ms. Collyer to re-state her motion.

Ms. Collyer **MOVED** to continue the public hearing to August 24th, 2021, to give time for notification; Ms. White seconded the motion.

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

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous vote	

A.A. Doggett stated he would send the notices as soon as he received the additional mailing labels.

Mr. Andrews recessed the public hearing at 8:00

Chairman Andrews called the Public Hearing to order at: 8:05PM and read:

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 8

Glenn Schroder & Kenneth and Judy Hamilton of Newton, NH request a Public Hearing for a Lot-Line Adjustment between their properties at 12 & 13 Nordic Lane, Newton, NH. The properties are referenced as Tax Map 9, Block 3, Lots (15-6) & (15-7)

Chairman Andrews asked Ms. Rowden for her input on Completeness of the application.

Ms. Rowden commented that this application was a minor lot line adjustment and that the waivers requested were fair and reasonable and that with the waivers the application was complete.

Chairman Andrews invited Mr. Schroder to present his application

Chairman Andrews ask if a member wants to make a motion on completeness of the application

Ms. Collyer **MOVED** to accept jurisdiction as a minor lot line adjustment; Ms. White seconded the motion.

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

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous	vote

Mr. Schroder stated this was a minor adjustment to correct a minor mistake.

Mr. Andrews asked the Board to address the 3 waivers requested:

Waiver #1-3 SUBDIVISION REGULATIONS Section 8.1.5

In order for the Board to comprehensively evaluate a subdivision plan proposal, the applicant is required to show the following information as part of the subdivision plan, unless granted a waiver in accordance with Section X, Waivers. Other information may be reasonably required by the Board and shall be submitted. Such additional submittals may be required in cases where the submitted information fails to permit the Board to review the subdivision in light of the requirements of Sections 7 and 8 and the purposes of these regulations.

D. Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).

G. Natural features such as streams, marshes, lakes, ponds, rock outcrops, wooded areas, significant trees, ledge, and other significant environmental features, including wetland soils as

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 9

defined under current Newton Wetlands Ordinance, wetlands may be identified by a NH certified soil scientist or NH certified wetland scientist.

K. A High Intensity Soil Survey (HISS) of the entire site, or the portion as determined by the Board. Calculations shall be provided and shown on a sheet appropriate to the plan. Such soil survey shall be prepared and stamped by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted. (Amended May 1999)

Ms. White **MOVED** to grant the waivers as requested; Ms. Collyer seconded the motion.

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

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous	vote

Mr. Andrews commented on the need for new deeds to be files

There was a discussion of recording of deeds.

Chairman Andrews asked for a motion on the application

Mr. Marchand **MOVED** to Approve the Application with the following conditions:

- 1. Bounds need to be set defining the new lot line.*
- 2. Supply recordable Mylar.*
- 3. Supply copies of new deeds.*

Mr. Moran seconded the motion.

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

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous	vote

Chairman Andrews closed the public hearing at 8:18.

4. Chairman Andrews closed the public hearing at 8:20 and read.

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

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 10

Chairman Andrews asked Ms. Rowden for her input on Completeness of the application

Ms. Rowden offered her opinion that the application appears to be incomplete. The application is required to contain floor plans for each building, and they have not been supplied. The utilities are not shown as required; water supply demand is not shown; verification of the septic systems permit numbers need to be noted on the plans; and the off-street parking that was approved during the site plan process is not shown on the plan. She further stated that because these are all based on zoning, waivers can not be granted and if not supplied the only relief would be from superior court. She further suggested that the condominium documents still needed language and review from council before the Town could accept them.

Mr. Andrews stated that new condominium documents were received.

A.A. Doggett stated he would be sending them to council for review.

Mr. Casey (applicant's agent) stated the issues would be addressed. He asked if the items listed could be conditions for approval.

Mr. Andrews stated that they were too numerous to be conditions.

Mr. Andrews asked for a motion to continue the public hearing to August 24th.

Ms. Collyer **Moved** to continue the public hearing to August 24th; Ms. White seconded the motion.

Mr. Lekborg stated that floorplans are fluid and would be difficult to supply.

Ms. Rowden stated that things like egresses and bathroom need to be shown and that this requirement is to prevent redividing the buildings in the future.

Mr. Lekborg stated he would supply everything he could.

Mr. Andrews stated the Board would need the same information as the building department and fire department.

Mr. Andrews asked the applicant's agent for permission to continue the public hearing to August 24th.

Mr. Lekborg gave permission on behalf of the applicant.

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

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous	vote

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

All minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 11

Chairman Andrews recessed the public hearing at 8:35.

2. Board Business and Correspondence

A. Acceptance of minutes of the 7/27/21 meeting

Ms. Collyer **MOVED** to accept the minutes; Ms. White seconded the motion.

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

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous	vote

B. NPREA Manifest

Ms. White **MOVED** to pay the manifest in the amount of \$1602.24; Ms. White seconded the motion.

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

Mr. Andrews – Aye	Mr. Marchand – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. LaVoie - Aye	Ms. White – Aye	Unanimous	vote

There was a brief discussion of deeding and setting of bounds. A.A. Doggett will do research and report back to the Board.

3. Adjourn.

Chairman. Andrews adjourned the meeting at 8:49PM.

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board

Planning Board Minutes August 10th, 2021 / Planning Board Meeting

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Please check subsequent minutes for approval of and/or amendments to these minutes. 12