



## Newton Planning Board Public Meeting Minutes April 12, 2022



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

Present were members: Mr. Moran, Mr. LaVoie, Mr. Guide, Mr. Piper, and Ex-Officio Mr. Marchand, also James Doggett – PB AA

Via Zoom was Member Ms. White, Ms. Rowden - Circuit Rider and 6 observers.

Chairman Moran lead the salute to the Flag.

### 1. Public Hearing

Chairman Moran called the Public Hearing to order at: 9:15PM and read:

**125 Development NH Corp of Plaistow, NH, request a public hearing for a 4-building condominium site plan off S. Main Street, in Newton NH. The property is referenced as Tax Map 14, Block 1, Lot 27- 3.**

Chairman Moran further stated that there had been additional material delivered to the Town the previous Thursday, more than five hours after the deadline for submissions; that this did not allow time for professional review; nor did it allow the administrative assistant to get it into the Board packets so that Board members could review and formulate questions or comments on the fairly substantial packet of information.

Chairman Moran asked Ms. Rowden for any additional input on completeness of the application.

Ms. Rowden opined that the application was incomplete and specified the review letter from the Town Engineer. While she was willing to discuss the various waivers being requested, she suggested allowing the applicant time to present the concept of the plan.

Mr. Barry Gier (agent for the Applicant, principal of Jones & Beach Engineering) gave the particulars of the plan; how this is phase 2 of a 5-phase conceptual plan. He went on to discuss how the project has four industrial buildings totaling 207,00 square feet with associated parking and loading areas; it would have access to Route 108 via a 1955 linear foot private cul-de-sac, proposed being called Industrial Way; construction of a 1067 linear foot cul-de-sac that will eventually connect to Puzzle Lane;

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construction of a gated emergency access lane to Howard Lane. He went on to state that all buildings would be served by on-site wells and sewer; the storm water collected via roadside ditches as well as a series of catch basins and pipes will be directed to one of the stormwater treatment features which include five infiltration basins that include, one gravel wetland, and one vegetated basin; the proposed construction requires wetland impacts totaling 3246 square feet which is associated with the construction of the roadways as shown; and would also require wetland buffer impacts of 102,101 square feet associated with roadway construction and grading for buildings and storm water. He stated that the applicant is presently before the ZBA for the proposed wetland buffer impacts which the project will require; as well as applying for an NHDES alteration of terrain permit, NHDES wetland permit, and NHDOT driveway permit. He commented that prior to the last meeting they had received comment letters from both the Town Circuit Rider and the Town's Engineer and had addressed or included all the requested items (with a few notable exceptions) in the revised plan sets which the Chairman alluded in his opening remarks. He stated that two of the items are the sewage facilities and the hydrological study for the septic systems (the location of the sewage systems and therefore, the hydrological study are currently dependent upon the variances that They have requested of the ZBA) and the traffic study; that they will provide those items before they are approved but can submit waivers on the septic / hydrological aspects.

Mr. Piper questioned what the view would be from Howard Lane if somebody on that cul-de-sac is looking at a straight shot to all those buildings.

Mr. Gier stated that sheet C2A gives a better view of the access road, there is a 50-foot required vegetated buffer between any residentially zoned area and the project also has a 200-foot structure setback that the applicant is seeking relief from in front of the ZBA; there is an additional 50-foot vegetative buffer where the proposed emergency access is shown. It would be a curved access to prevent a straight shot looking into the industrial park.

Mr. Moran mentioned that additional applications and permits would be required for this project and asked if the applicant had, at this point in time, submitted anything to NHDES (either wetlands bureau or alteration of terrain.)

Mr. Gier stated that when the project was before the Planning Board for a previous iteration, they had submitted for the wetland permit and that now they would be updating that application. He further stated that the applicant is working with the NHDOT on the traffic study

Mr. Moran stated that from his initial review that it appears that the drainage analysis that has been provided to the Planning Board is outdated based on the latest updates to the drawings that had been provided and he thinks it is something that should get taken care of and that the traffic study is something he feels the Board would definitely be very interested in reviewing prior to moving forward.

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Mr. Moran asked about if a cut fill analysis been done on this design.

Mr. Gier stated no.

Mr. Moran stated that at first glance there appears to be a substantial amount of fill for the roadway and while maybe it balances out on the site there is a significant import of material in the proposed plan and given the proximity to the wetlands and the current market, he would like to know what the two to three hundred thousand yards of fill would be used for.

Mr. Gier pointed out potential areas for its use.

Ms. Rowden went over her most recent comment letter touching on the biggest issues still awaiting resolution; the need for comments from the Fire Department and the Road Agent; and suggested the Board seek legal advice regarding the emergency access roadway. Finally, she mentioned that on one of the architectural drawings, one building exceeds the Towns height restriction and if that is the intended height that building will also need a variance

The Board discussed the issue of a legal opinion regarding the use of the Town-owned Right-of-Way and directed A.A. Doggett to direct the questions to the Board's land use lawyer.

Mr. LaVoie **MOVED** to seek legal guidance about the right-of-way, Mr. Guide seconded the motion.

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

Mr. Moran - Aye	Ms. White - Aye	Mr. LaVoie - Aye	Mr. Piper - Aye
Mr. Guide - Aye	Mr. Marchand - Aye	The <b>VOTE</b> was UNANIMIOUS	

A brief discussion was held about the contents of the professional review letters.

Mr. Gier had a question regarding Mr. Moran's comment regarding the roads and the slopes. He believes if they meet the town requirements for all the road and slopes there is no limit as to the amount of fill that they can import. He is not sure how to approach those comments.

Ms. White had a comment that it might be the responsibility of the planning board to denote what type of fill that would be acceptable because she thinks there are certain things that Newton doesn't want to be used as land fill.

Mr. Gier stated that they would use clean fill.

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There was a discussion of fill and where it might be used.

Mr. Gier asked the Board to continue the public hearing to April 26<sup>th</sup>.

Mr. LaVoie **MOVED** to continue the public hearing to April 26<sup>th</sup>, 2022. Ms. White seconded the motion.

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

Mr. Moran - Aye	Ms. White - Aye	Mr. LaVoie - Aye	Mr. Piper - Aye
Mr. Guide - Aye	Mr. Marchand - Aye	The <b>VOTE</b> was UNANIMIOUS	

Three abutters asked if they could make comments, Chairman Moran acquiesced.

Mr. Tom Alberti (an abutter - 2 Ridgewood Road, Plaistow) asked the Board for careful consideration as each phase brought before the Board and to remember that this project is in an aquifer protection area and it serves the surrounding communities including the community where he lives. Additionally, to ask the board for careful consideration of the potential impacts to the water resources that could have a major impact as from contamination, this is an important resource for the abutters

Ms. Lynn Jeffries (Abutter - 12 Ridgewood Road, Plaistow) had questions about the use of Zoom in the meeting; the regional impact of the project and noise and dust currently coming from the property.

Mr. Steven Becht (abutter - 20 Ridgewood Road, Plaistow) Asked questions about the road length and commented on the recent situation of dirt bikes racing around the property along with the noise and dust from the site.

Mr. Moran informed him of the road length and suggested that the police be called when the dirt-bike noise occurred.

Chairman Moran recessed the public hearing at 7:34PM

## **Board Business**

- a. Acceptance of minutes of the 3/22/22 meeting

Mr. Guide **MOVED** to accept the minutes of 3/22/22 as printed; Mr. Piper seconded.

Chairman Moran asked A.A. Doggett to call the roll.

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Mr. Moran - Aye      Ms. White - Aye      Mr. LaVoie - Aye      Mr. Piper - Aye  
Mr. Guide - Abstained      Mr. Marchand - Aye      The **VOTE** was UNANIMIOUS

b. NPREA Manifest

Mr. Guide **MOVED** to pay the manifest dated 4/12/2022 in the amount of \$ 197.65  
Mr. LaVoie seconded the motion.

Chairman Moran asked A.A. Doggett to call the roll.

Mr. Moran - Aye      Ms. White - Aye      Mr. LaVoie - Aye      Mr. Piper - Aye  
Mr. Guide - Abstained      Mr. Marchand - Aye      The **VOTE** was UNANIMIOUS

C. Circuit Rider questions

Ms. Rowden asked questions about the Master Plan Steering Committee which the Board discussed.

Mr. LaVoie **MOVED** to continue to have a Master Plan Steering Committee, Mr. Guide seconded the motion

Chairman Moran asked A.A. Doggett to call the roll.

Mr. Moran - Aye      Ms. White - Aye      Mr. LaVoie - Aye      Mr. Piper - Aye  
Mr. Guide - Aye      Mr. Marchand - Aye      The **VOTE** was UNANIMIOUS

Mr. LaVoie **MOVED** to add Mr. Piper as a member of the Master Plan Steering Committee, Ms. White seconded the motion

Chairman Moran asked A.A. Doggett to call the roll.

Mr. Moran - Aye      Ms. White - Aye      Mr. LaVoie - Aye      Mr. Piper - Abstained  
Mr. Guide - Aye      Mr. Marchand - Aye      The **VOTE** was UNANIMIOUS

**3. Adjourn.**

Chairman Moran adjourned the meeting at 7:53PM

Respectfully Submitted,

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James L. Doggett, AA  
Newton Planning Board

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