



Newton Planning Board

Public Meeting Minutes

June 28, 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 and Ms. Rowden - Circuit Rider

Via Zoom was Member Ms. White, and 3 observers.

Chairman Moran led the salute to the Flag.

1. Public Hearing

Chairman Moran opened the public hearing at 7:04PM and read

A continuation of 125 Development NH Corp of Plaistow, NH's request for 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 reminded the Board that they were at day 63 of the 65-day clock for taking action on the application. He also informed the Board of the Selectmen's denial of the applicant's request to use the Right-of-Way at the west end of Howard Lane as an emergency access.

Ms. Rowden gave input regarding the procedural aspects before the Board. The Board could continue with the application and if the applicant requests, a decision could be made by the planning board at this meeting but only after the Board takes up the question of the waivers. The applicant could ask for a continuance, if that is their request and the Board agree the Public Hearing would be continued. She further recommended that that be removed from the plan set. With the waiver reference and the cul-de-sac it may come before the Board concerning the road length being greater than the 1000 feet allowed by zoning. The planning board has to consider the waiver in light of the fact that Howard Lane is not able to be used as an emergency access. She reserved her other comments until they would be appropriate for the other waivers.

Ms. Rowden added one more point: The variance requests to the zoning board were denied and now the planning board effectively has to continue on through that process

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until the applicant has exhausted all variance relief options which they are still within their right to do so but any conditional approval should be contingent on them receiving that that relief okay.

Mr. Moran stated that the potential pathway forward is accepting or approving conditionally the three waiver requests or denying all three waiver requests or any of them for some reason or a continuance so that the applicant can deal with some bases of the waivers or request a continuance.

The Board chose to work on the roadway length waiver.

Subdivision Regulations

APPENDIX B - ROAD DESIGN STANDARDS AND CRITERIA

1. Road Design and Construction Requirements

2. Design Standards

2.8 No dead end street shall be no more than more than 1000 feet in length including the turn-around.

The turn-around of a dead end street shall have a minimum radius of 75' to the outside edge of the right-of-way and a minimum radius of 62' to the outside edge of the pavement. The turn-around shall be designed as a reverse "p" or as a centered bubble and shall be designed to prevent runoff from crossing the paved area. The center of the turn-around shall be a vegetated area.

If the Planning Board deems there to be a reasonable likelihood of a near-future connection, a hammerhead or "T" turn-around design will be permitted. The dimensions of the above turn-around designs are appended to these regulations.

All dead end roads shall have provisions for future extension to a through road. This requirement may be waived where the developer can demonstrate that this extension is not feasible.

At the discretion and recommendation by the Planning Board, the construction of dead end (no outlet) roads in the Town of Newton are allowed to be built without length restriction, as long as said road serves no more than ten (10) homes, has adequate fire protection on the road, and each individual lot has its own fire protection on it, as is deemed necessary by the Planning Board. This amendment is created to give an alternative to the dead end road length restriction in this section. (Amended June 2004, June 2007).

Mr. Moran discussed that at the selectmen's meeting neither the Road Agent nor the Fire chief had an issue with the additional length of the road.

Mr. Gier believed it would be appropriate to vote on that waiver to allow the applicant the notice that that would be allowed as he moves forward. With the board of selectmen denying the request to utilize the emergency lane at the end of Howard Lane the applicant's waiver request is modified slightly because the applicant is using that as part of the reasons for the waiver request. Mr. Gier has revised the waiver request.

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Mr. Marchand questioned that the denials that were put forth by the zoning board had nothing to do with the roadway, that it was all about the structures, where the buildings are going.

Mr. Gier stated that there were two variance requests that were denied one was for the 200-foot structural setback which includes part of the road, the ZBA indicated that the road would count as part of as a structure per the definition, and for wetland buffer impacts which there were no buffer impacts for the emergency access or the road coming in, at least at the top part of the project, so the denials would have applied to the structural setback for the emergency lane.

Mr. Moran asked for clarification on the definition of a structure being a roadway.

Ms. Rowden stated the Board's definition of a structure basically says anything that is created to have a fixed position on the earth is considered a structure. It is a very vague definition. Structures in the past in Newton have included things like parking lots and storm water structures, they have typically not included the ability to access a site. The ZBA in this case thought that a portion of the roadway constituted a structure. i will say the way that this lot is designed I largely agree with what Mr. Gier has said, the one thing that may make a difference though is the cul-de-sac that is really designed for the trucks being able to turn around and may have implications about the length of the cul-de-sac and that's the end that's closest to Howard Lane.

Mr. Moran questioned the width of the access roadway.

Mr. Gier informed him that it varied between 50 and 75 feet wide.

Mr. Moran opened the floor for public input on the waiver.

Mr. Dan Sweeney (abutter, 11 Howard Lane) stated that the denial of the use of the Right-of-Way was a good thing. He further stated that he was unsure of where the abutters stand at this point and that they would ask for things like evergreens to be planted to buffer the view from their back yard.

Ms. Rowden addressed his concerns but stated that while the Planning Board can address the screening, at this time, the comments need to be about the waiver.

Mr. Moran stated that the Planning Board was only granting approval for a roadway greater than a thousand feet and that the location of the roadway would be pending approval of the variance request in front of the zoning board.

Mr. Piper stated there's nothing about the traffic study included the waiver request.

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Ms. Rowden reminded him that the Planning Board can require a traffic study as part of its consideration of the roadway and the site plan overall. The Board could grant the waiver but still require a traffic study which will have to do for a DOT permit.

Mr. Marchand **MOVED** to grant the waiver as requested.

Ms. Lynne Jeffries (Abutter, 12 Ridgewood Road) stated that the concern of her and her neighborhood is that the extended cul-de-sac is simply a way to get the road built before the next stage plan has been shown, has been applied for, or has been approved and it's just extra road that they are building before they've even gone before the Planning Board with their next stage plan. So, we object to this extended roadway.

Mr. Moran tried to summarize Ms. Jeffries comments.

Ms. Rowden informed Ms. Jeffries that that Planning Board can only work with the request not potential future plans.

Mr. Gier stated waiver that the applicant is requesting 67 feet of extension roadway and that is to get over the gas easement during this first phase. They are not like building the road to no-where. The applicant has plans to connect that to Puzzle Lane in the future.

Ms. Rowden stated that if for some reason the next phase does not complete the circuit all the way from this (the 108) entrance to the other side of where the Puzzle Lane is the Board would also have to consider whether they would allow for an extension of a road beyond a thousand feet. The applicant would have to come back in for that same type of waiver.

Mr. Guide seconded the motion.

Ms. Rowden suggested that a condition of approval for the site plan or the waiver could be of liability coverage as this will be a private road which is also required by state law.

Mr. Marchand commented that that was a condition that he would set as well as this road being permanently a private road.

Ms. Rowden reminded him that if a petition to make this new road a public road the selectmen would have to consider the petition.

Ms. White commented that if the road were ever to become a Town road it would need to be built to Town Standards.

Mr. Gier stated it would be, except for the length.

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Mr. T. Lekberg stated that the road would never be a public road, they will maintain it, and that the applicant carries insurance.

Ms. Rowden reminded the Board of the criteria for granting any waiver.

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

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

Mr. Gier asked to hold-off on the remaining 2 waivers. He promised the Board it would receive the hydrogeological and traffic studies soon. The plans will reflect the removal of the use of the Right-of-Way and several items of concern to the Town Engineer, then he would supply a clean plan set.

A brief discussion of the date for continuing the public hearing was held, with the applicant approving the continuance to July 26th with any new paperwork due by noon on July 18th.

Mr. Guide **Moved** to continue the public hearing to July 26th, 2022, with the caveat that revised packets are at the Planning Board office by noon on July 18th. Mr. Marchand seconded the motion.

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

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

2. Board Business

a. Acceptance of minutes of the 6/14/22 meeting

Mr. Marchand **MOVED** to accept the minutes Mr. Piper seconded the motion.

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

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

A.A. Doggett explained the memorialization of the meeting of June 12st, and that there was no quorum so there were no minutes to approve.

b. NPREA Manifest

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Mr. Guide **MOVED** to pay the NPREA Manifest dated 6-28-22 in the amount of \$ 1037.70. Ms. White seconded the motion.

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

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

c. Application Forms

A.A. Doggett reviewed the new application forms with the Board and explained the need for them.

Mr. Guide **MOVED** to adopt the Non-Retail - Home Based Business application form as printed, Mr. Marchand seconded the motion

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

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

A.A. Doggett and Ms. Rowden explained the difference between a site plan and amending one.

Mr. Marchand **MOVED** to adopt the Amended Site Plan application form as printed
Mr. Piper seconded the motion

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

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

A.A. Doggett explained the rational for the new form.

Mr. Marchand **MOVED** to adopt the Minor Site Plan application form as with the following changes. The word Major to Minor on the fee line. Mr. Piper seconded the motion.

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

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

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A.A. Doggett explained some of the things he was doing to increase the data the Board and townspeople would have available on the website in the future thanks to the new 36" printer/scanner to be purchased from the federal funding.

3. Adjourn.

Mr. Moran adjourned the meeting at 7:58PM

Respectfully Submitted,

James L. Doggett, AA
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