



## Newton Planning Board Public Meeting Minutes August 23<sup>rd</sup>, 2022



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

Present were members: Mr. Moran, Mr. Marchand, Mr. Guide, and Mr. Piper, also, James Doggett – PB AA and Ms. Rowden - Circuit Rider.

Via Zoom was Members Ms. Collyer and Ms. White as well as 9 observers.

Chairman Moran led the salute to the Flag.

### 1. Public Hearing

Mr. Moran called the Public Hearing to order 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.***

*Mr. Moran noted that the developer has requested a continuance to August 27<sup>th</sup>, 2022*

Ms. Collyer inquired if the applicant had added to his NPREA account. She was informed that he had.

Mr. Moran noted that no paperwork had been received for this application.

Mr. T. Lekberg (agent for the applicant) stated that the applicant was still working on getting variances from the ZBA.

Ms. Rowden reminded the Board that she would need at least 2 weeks to review the plans as would the Town Engineer.

Mr. Piper asked how many continuances were allowed

Ms. Rowden informed him that there is no limit as long as the applicant requests or approves. Otherwise, the Board could deny, with or without prejudice, the application as being incomplete.

Planning Board Minutes August 23<sup>rd</sup>, 2022 / Planning Board Meeting

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Mr. Lekberg stated they had made some major revisions which were taking time to get the new plans completed.

Mr. Piper stated his concerns at the time it has taken and the number of continuances that have been requested.

Mr. Moran added that the Board could add a condition that all materials must be received by noon on Monday, September 12<sup>th</sup>, 2022.

Mr. Guide asked for the date of the next ZBA meeting. He was informed it would be on Wednesday, September 12<sup>th</sup>, 2022.

Mr. Lekberg stated that there would be no changes to the materials that would be presented to the ZBA. And that they are working to make the plans work.

Mr. Marchand **Moved** to continue the public hearing to September 27<sup>th</sup>, 2022 with the condition that the new paperwork/plans be delivered to the Planning Board office by noon on Monday September 12<sup>th</sup>, 2022; Ms. Collyer seconded the motion.

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

Mr. Moran - Aye Ms. White - Aye Mr. Piper - Aye Ms. Collyer - Aye Mr. Guide - Aye  
Mr. Marchand - Aye The **VOTE** was: **Unanimous**

Ms. Rowden reminded the abutters present that they would not be receiving another notice for September 27<sup>th</sup>.

Chairman Moran recessed the public hearing until September 27<sup>th</sup>, 2022.

## **2. Other**

### ***125 Development NH Corp of Plaistow, NH has questions about the need for an amended site plan application.***

Mr. Moran summarized an email to the board from 125 Development NH Corp regarding and amended site plan for map 14-block 1-lot 27-4 a condominium site plan, that is being revised at the request of a buyer's lender legal counsel. 125 Development NH Corp's counsel has requested several revisions to the declaration of condominium for which a red line copy which has been provided. This declaration may be further revised pending the buyer's lender's counsel's subsequent review. The email stated that no changes will be made which will affect any provisions of the previous site plan approval decision or the revisions contained in section XXIII of the condominium documents as filed in the Rockingham County Registry of Deeds, plan number D-43206. the revised plan differs from the recorded plans in the following regards: the correct building

Planning Board Minutes August 23<sup>rd</sup>, 2022 / 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

configuration on unit 5 is shown on the revised plan; the new easement note 10 has been added to the revised plans; the access driveway for all the units have been relabeled as private access driveways; the 24-foot-wide emergency access easement on the revised plans are those which were formerly labeled as common areas on plan; the common boundary line and the square footage area between units 2 and 4 has been adjusted; there has been some minor closing statements and that the applicant is in the process of providing the documents to the Board. The applicant is stating that this does not need a public hearing. He then asked Ms. Rowden for clarification.

Ms. Rowden stated that it is fairly straightforward in that they need an amended site plan, which, under Newton's Regulations can often qualify as a minor site plan revision. It is not quite the full-blown site plan that the Board has had with earlier application but it does require a noticed public hearing so the applicant would actually have to supply what they have supplied as part of the application. It does need to be notified for abutters which is the 10-day noticing and has to be noticed as a public hearing on your agenda so there are some timing aspects that have to happen. She went on to say that it should be a fairly procedural straightforward thing. To clarify it is Ms. Rowden's understanding that this is not to construct anything new but to generally document what is out there as of this date. There should be no real discernible change to what is on the ground today.

Mr. Moran stated that legally the Board is required to have an application submitted to the planning board and based on Ms. Rowden's understanding it should be able to qualify as a minor site plan because of what is being proposed but that has to be publicly heard. Mr. Moran then suggested that A.A. Doggett could assist them through the process, though the applicant has submitted amended plans before.

A.A. Doggett reminded the applicant that statutorily they are supposed to use an abutter list that is drafted not more than 5 days prior to the application being submitted. He stated that he has been getting many of the notices returned as undeliverable do to changes in ownership.

Ms. White asked about the landscaping plan and its possible completion date.

Mr. Lekberg stated it is nearly complete. He added that they would be applying for a waiver with regards to the guardrail.

There was a discussion that the condominium documents. A.A. Doggett stated that the documents could not be reviewed until the application had been submitted as there was no funds to pay counsel.

The applicant asked why his money in other NPREA accounts could not be used to pay for the review. He was informed that NPREA funds could not be used for a project other than that which it had been collected for.

### 3. Board Business

#### a. Acceptance of minutes of the 8/9/22 meeting

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

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

Mr. Moran - Aye Ms. White - Aye Mr. Piper - Aye Ms. Collyer - Abstained  
Mr. Guide – Aye Mr. Marchand - Aye The **VOTE** was: **Unanimous**

#### b. NPREA Manifests

Mr. Guide **MOVED** to pay the NPREA Manifest dated 8-9-22 in the amount of \$ 126.12; Mr. Piper seconded the motion.

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

Mr. Moran - Aye Ms. White - Aye Mr. Piper - Aye Ms. Collyer - Aye Mr. Guide - Aye  
Mr. Marchand - Aye The **VOTE** was: **Unanimous**

#### c. Budget

A.A. Doggett explained the proposed budget for 2023. The Board discussed the proposal and decided to move \$500.00 from the Consultant Services line to the Circuit Rider Contract line.

Ms. White **MOVED** to adopt the 2023 Planning Board budget as amended;  
Mr. Guide seconded the motion.

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

Mr. Moran - Aye Ms. White - Aye Mr. Piper - Aye Ms. Collyer - Aye Mr. Guide - Aye  
Mr. Marchand - Aye The **VOTE** was: **Unanimous**

A.A. Doggett suggested an expansion of the application fee cost to cover the time spent on abutter notices. He suggested having a scaled fee so those with more abutters paid a higher fee to cover the costs.

Planning Board Minutes August 23<sup>rd</sup>, 2022 / 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

The Board discussed the issue and directed A.A. Doggett to bring a proposal before the Board.

Ms. Rowden apprised the Board on a suggested timing for applying for the newly available grants, (to pay for professional assistance to review Zoning Ordinances, to potentially rewrite said ordinances and/or appropriate Master Plan chapters, and to do an accurate inventory of housing stock as it pertains to work force housing). The Board asked her to monitor the situation and to bring a proposal to the Board.

Ms. Rowden stated that filling out the grant applications was covered under the dues being paid to the Rockingham Planning Commission.

Ms. Collyer asked if Selectman Marchand could request the Board of Selectmen inspire the Town's department heads to submit the necessary information to the Master Plan Steering Committee as part of the department's budgeting process. She also discussed why the information was so important. There was a discussion of the issue.

A.A. Doggett apprised the Board that he was working on an updating of the Rules of Procedure to add the latest statutory changes as of August 23<sup>rd</sup>, 2022 and will include those taking effect in January 2023.

### **3. Adjourn.**

Chairman Moran adjourned the meeting at 8:47PM

Respectfully Submitted,

James L. Doggett, AA  
Newton Planning Board

Planning Board Minutes August 23<sup>rd</sup>, 2022 / 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