



Newton Planning Board Public Meeting Minutes October 25th, 2022



The Newton Planning Board public meeting was called to order at: 7:01PM

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

Via Zoom was Member Ms. White.

Chairman Moran led the salute to the Flag.

Chairman Moran seated Ms. White as a voting member in place of Ms. Collyer.

1. Public Hearing

Mr. Moran called the Public Hearing to order at: 7:02PM and read:

- 1. Robert J. & Joseph W. Ferrara (Estate) of Newton NH request a Lot-Line Adjustment between their properties at 25-37 Country Pond Road. The properties are referenced as Tax Map 5, Block 1, Lot 1-1 and Tax Map 6, Block 2, Lot 1.***

(As the applicant was not present Chairman Moran moved to the next scheduled Public Hearing.)

Mr. Moran called the Public Hearing to order at: 7:04PM and read:

- 2. 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 November 9th.

Mr. Lekberg (Agent for the applicant) stated Barry Gier their engineer from Jones and

Planning Board Minutes October 25th, 2022 / Planning Board Meeting

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

Beach is going to submit a letter to continue specifically with the existing conditions plan. He further stated that they had missed the deadline Thursday, but they would bring in everything we need, we will have it ready for the next one (meeting).

Mr. Marchand **MOVED** to continue the public hearing to November 9th, 2022;
Mr. LaVoie seconded the motion.

After a brief discussion on the continuance Mr. Moran asked A.A. Doggett to call the roll.

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

Chairman Moran recessed the Public Hearing to November 9th.

1. Continued:

Mr. Ferrara had arrived, so Chairman Moran recessed the public hearing at 7:07:01PM

Robert J. & Joseph W. Ferrara (Estate) of Newton NH request a Lot-Line Adjustment between their properties at 25-37 Country Pond Road. The properties are referenced as Tax Map 5, Block 1, Lot 1-1 and Tax Map 6, Block 2, Lot 1.

Mr. Moran asked Ms. Rowden for her input on completeness of the application

Ms. Rowden offered her opinion that the application seems to be a complete, it conforms with the requirements. She commented that in many towns lot-line adjustments were not required to have public hearings.

Mr. Moran ask if a member wants to make a motion on completeness of the application

Mr. Guide **MOVED** to waive the public hearing for this specific lot-line adjustment.
Mr. LaVoie seconded the motion.

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

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

Mr. Guide **MOVED** to accept the application as being complete and take jurisdiction;
Mr. Marchand seconded the motion.

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

Planning Board Minutes October 25th, 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

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

Mr. Moran invited the Mr. Ferrara to present the application.

Mr. Ferrara made his presentation to wit they were adding some land to the smaller lot, but the smaller lot would not become large enough to subdividable.

Mr. Moran asked for any public comment, there were none.

Mr. Moran asked if there were any Board comments or questions. There were none.

Mr. Guide **MOVED** to Approve the Application with the following Conditions Precedent:

1. Set the bounds
2. Supply recordable Mylar(s)
3. Supply new deeds once they had been drafted.

Mr. Marchand seconded the motion.

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

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

Mr. Moran closed the public hearing at 7:14PM.

Mr. Moran called the Public Hearing to order at: 7:15PM and read:

- 3. A continuation of 125 Development NH Corp of Plaistow, NH's, request for a public hearing for an Amended Site Plan at 3, 5, 7, & 9 Puzzle Lane, Newton NH. The property is referenced as Tax Map 14, Block 1, Lot 27-4.**

Mr. Lekberg gave the board members some paperwork and photographs.

Chairman Moran asked Ms. Rowden for her opinion on completeness.

Ms. Rowden stated that she had not received any new information on the application. She further stated that while the Board had not taken jurisdiction a continuance would be appropriate.

Mr. Moran stated that to recap: the applicant provided a copy of the KV Partners

memorandum from September 16th 2022. KV partners, for explanation is the Town's on-call engineer who can provide third-party review or their professional opinion of basically whatever the Board asks them to review. they also provided a couple photos of the site however Ms. Rowden has not seen any of this nor has Ms. White or Engineer Vignale.

Tom Lekberg (Constructors builder for 125 development NH Corp) stated, again we are doing the new As Builts for the Board, also to create new mylars to get it to where we needed to go so, we need to deal with this matter, and we missed it by a day so I'm going to ask for continuance on this. The owner Mr. McDonough would like to speak to the board for a little bit tonight so the pictures you are looking at it is the wheelchair ramp so that we are being told that we are deficient we are not, we are deficient in some signs but anyway I'm going to turn it over to Mr. McDonough.

Mr. McDonough (applicant) stated as Mike (Vignale) states in his letter I was I was kind of shocked. I have not even seen him in four years, and he showed up and he is shown some deficiencies, the island, the shape of the septic will be re-sketched on the as built. That will show we did not put in the islands, the truck routes and traffic and the volume of trucks and the way they turn, were not installed. The guard rail, I thought we had asked for a waiver on the guardrail; I did go out and look at the rocks that my operators had placed and there is two or three different areas where there is smaller boulders. We have used boulders throughout the subdivision, to give it kind of the natural country look. We do have some guard rail and it appears it gets broken with the snow plowing and the loaders and what have you. We are looking to get that waiver. Mike has stated in pond D and G that it appears to be different on the plan; we did the construction of these ponds, and we used GPS; so, it is fairly accurate. All the ponds have germinated they've been in for three or four years; they are all functioning. We don't have any siltation we have we maintain them we cut them for paper and debris and cut the trees and keep the shrubbery down in the ponds. Pond J and I, the north end of the building I believe, and I could be wrong, those were swept ponds for temporary construction because it is a little bit confusing on the plan with those ponds but if you put them on the finished plan it is kind of hard to build pond j and pond I which, again, I think with temporary ponds for the construction runoff to be built on the side of a three-to-one slope. We try to stop building them and they just don't work on a three-to-one slope. Steve Casey's plans will show all the ponds on his revised plan and as far as the cars and trucks parking in front of the building is very minimal parking in front of the buildings and we put these buildings up in speculation that people are going to come to the town and purchase the buildings and we've got to kind of meet their needs if they need a door they will come back into Bob Donovan there is like three tenant fit UPS and I don't know if the town realizes how much money all the building and registration of vehicles and that goes on in all these buildings. Turner Motorsports is on every Saturday and Sunday on ESPN, I mean they are a national they are backed by a billion-dollar contract I bought a Boston Vinnie Pauletta. they have temporary trailers right

Planning Board Minutes October 25th, 2022 / Planning Board Meeting

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

now that have been approved by Shanti, the old building inspector and they were inspected by John the fire marshal and it was some revisions and shuffling around with the fire access road and that is in full compliance per John the fire chief. Mike has been again he hasn't been around for four years so he's coming up to speed on a lot of this stuff as you see he says that it doesn't appear to be any handicaps I think that I took I ran around real quick before coming up to the meeting and there was probably, I don't know, five or six handicap sidewalks we are a little deficient on the signs I think there was two or three handicap signs missing and we have those from New England barricade it just didn't happen to get up, we will install them, the handicap signs. The parking lighting, we have been like we bent over backwards for our neighbors, and we have kind of, we have kind of try to appease them in any way shape or form, whether it is no noise or lighting. I'm going to say all told, probably about 15 people with Munters a month is probably has about five people Turner has turned into Motorsports has about six people there and Sunny's they have a transient staff. some of the salesmen go out and there is a small area that we put a septic system in back on Bill Greg's act designed a septic system and it was on what is it the southwest side of the building and that after the septic system went in it is an H2O loaded septic system we just left it kind of a gravel the area and we have to do a waiver on that we will, but Turner Motorsports has its transient sales people that maybe go out every now and then we'll park overflow cars in that area. I think it is pretty much all buffered by the tree line then I don't think it hurts people I mean they are not big, loud trucks they are just pick up delivery trucks that go out so with that I don't see it as a major problem. The fire access road... everybody's been in these buildings for three four years now but the one thing that I really did want to point out is Mike's letter and that we'll get a clean letter for Mike and that we have another neighbor James Fitzpatrick get through a letter to the board also and that it really it kind of upsets me that you have a planting in it is behind the building and when we were cutting and constructing that slope all those plants were addressed in in the planting during construction and the species of like a lot of the trees they wouldn't even grow in this region I mean a couple of nurseries told me we'll sell them to you, but they won't live in this region and was a fully addressed meeting and this is years ago this is probably six years ago in in this this was all addressed in a meeting and we said these aren't really aesthetic trees that people are going to say this this is beautiful whatever. The moral of the story and I think the point is that that the both subdivisions Sargent Woods and Walnut Farms wouldn't see our commercial and industrial buildings so it was accepted at that meeting that we would transplant native trees that came out of that slope there was beautiful pine trees that is conducive to the region and area they were probably bigger than the species that was called for, and we took all of those plants off of all of the slopes that we filled in matter of fact Walnut Farms the tree cutter came through our property and there was a big gap in the property so we filled all of the thin areas and all the gaps to address the buffer and we also did it when we were building the pond over near Sergeant woods and this was addressed in a meeting and James Fitzpatrick bought in Walnut Farms and again we are really respectful to the neighbors and Jim before he bought his house I flew balloons and spent like four hours

Planning Board Minutes October 25th, 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

with James Fitzpatrick in that I showed him where the top of the roofs would be the locations of the buildings everything and he went and bought and with the planting that we have and that was existing it ran short of the building and the line of sight from James Fitzpatrick's blind side from his house to Sonny's which is 9C and Annie Collyer, there was a lot of people involved in this because he was calling the town and Johnny was involved within this Tom was involved in it Annie Collyer was involved in it. This went on for quite a bit and Annie basically said to me you listen just do whatever you got to do to make James Fitzpatrick happy and we came out Shanti said the same thing we addressed it I went over there personally twice and then addressed it with Mr. Fitzpatrick and he said Coleman don't you worry I'm going to go see Tom and we'll square this away and we'll address this line of sight to make him happy so he had this buffer in between the industrial building and his house this was all addressed, orchestrated, Shanti was aware of it, Tom went over we bought the trees there's 14 trees I mean they are going to fill in they are probably at a spread of 10 feet you can't put them to get together on top of each other because with the growth of them they won't grow. So, but we put these 14 trees up and I spent about fourteen thousand dollars trying to appease Mr. Fitzpatrick and I'm just I'm appalled at his letter that he wrote and I even obviously Shanti's working up in Portsmouth, New Hampshire and he is not going to stick his neck way out, but he was fully aware of this special planting that we did for Mr. Fitzpatrick.

Mr. Moran stated he has a couple questions... the photos, are these to indicate that this is ADA accessible? Correct? So, I am looking at these, my professional opinion is they are not. The pavement looks like you have binder down and it is not flush.

Mr. McDonough replied, exactly, if we put in, we will put in a temporary, until we do the final pavement. I know it is no excuse but there is there isn't any handicapped people in any of this.

Mr. Moran asked, so what happens is you are asking us to say this matches the plans the Board approved, and you are showing me it doesn't, and a lender is going to say we approved it and when the lender comes back for some explanation of how this all got brought to us and says the Newton Planning Board says it is compliant...

Ms. Rowden stated that Mr. McDonough's property has been approved through the planning board processes, it has been approved for certain things; it has been identified that there are some things that were approved do not match, the applicant is here for an amended site plan which one of the goals is to bring it into compliance, so what is on the ground will match what is on the plan. What has happened is they are attempting to go through the planning board so everything matches what's on the ground what's been approved some of those items might include landscaping; it might include whether some ADA things need to be addressed; or brought up some of the other things in Mike Vignale's letter. She thinks the goal is for everybody to have it all be concurrent that

Planning Board Minutes October 25th, 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. 6

what's on the plan that was approved is what is on the ground. Now there are some things that might have to go in between to make it up to regulation or our clean letter from Mike Vignale. When you get to that point, but I think that is the goal.

Mr. Moran thanked Ms. Rowden stating her summary is much better. He was just trying to note that Mr. Vignale identified some things, and the applicant may have a professional to say Mike's wrong.

Mr. McDonough stated that he didn't say Mike was wrong. I'm just saying that he said there's no handicaps ramps and I mean short of the asphalt . matching into the lips of them.

Mr. Moran interjected that this means it is not ADA Compliant. So, we have a hard time of saying that we approved an ADA Compliant space, and it is not.

Mr. Lekberg asked how does he expect to explain this; every building that is over there has been under construction for quite some time; as we get new tenants they went back on the construction mattress; is new as you guys know for about whether it is been three months and they are still under construction. Turner, the minute we sell the building it will go under a six-month construction project. Are we deficient in some of the paving at the ramps, yes. I agree with you? I'm not saying that; so, I guess what I'm saying is that we are coming what an as built of the conditions as they are and then we will have to go forward from that point on but it is going to change again is what I'm saying to you so we are we are kind of a parable situation right now so what happens is that the minute we close on Turner we tear a whole bunch of stuff apart or start over again. Which will be in front of you, as code enforcement and the building inspector requires that we need to do because he's the first place where we are going to stumble. So, at some point it makes no sense to finish some things because we know they are going to change. I know what you are saying, there are some things that was wrong, there are things that are not right on the first mylar. We did it the first time, it is done but the bank is not accepting it because there are some issues for which we are here for them to fix them. I'm saying to you with that is right all banks are little different but, and I know where you are coming from where you are saying that you are approving something that is not correct well it did approve it already. Once we are already being taxed extra \$150,000.00 for the condoization of the units. So, what I'm saying to you is that I'm asking you to work with us. We are going to come with what you were asking for which we are just a little short on time to make it happen last Thursday. I'm saying that is our buildings. I know the planning board want everything written in stone, but it is not always that way. I know everybody sitting here except for Barbara White and Annie are new; and have not been in the process with us prior; and we've always been sort of like okay, we are going to get you the shell we are going to get you to meat, some bones, so then this week the tenants, do the tenant fit, and things change and so if you did as built to the whole park there'd be a lot of things wouldn't be exactly how they

Planning Board Minutes October 25th, 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. 7

were because things keep changing; it is fluid and it is it is the same thing again like I said the earlier, thing just not back up too much but the as built, current conditions for phase two, I'm driving the engineers crazy because I'm moving every two days. Things are changing so we are going to have a snapshot of the minute when it is done. So, what I'm saying is we are going to we are going to work with Mike on the deficiencies to get a clean letter and we will have a new set of prints, Mylars to record but like I said we'll have to continue it to do because we missed the deadline.

Ms. Rowden opined that the as built can include what the applicant is putting in his minor site plan, it can include notes of what they intend to do this at this point. It can include that information. The as built will be a dated plan, this is how it is built as of the date. You can include components of you will be doing this at this point, it can include that information. It still falls under minor site plan depending on what that might be that might be they are all minor. I just like caveat that if it is big, it might not fall under minor anymore but if it is then working through to get the clean letter from Mike Vignale having the as built and noting what might change, you might need to come back in for another unamended site plan. That allows you that flexibility while the town also knows what is going on and what is intended to be up there. She thinks that everybody can work together we just all need to be on the same page about what is happening what is there and what is happening

Mr. Moran stated that is the kind of what he was getting to, like the plan that is in front of the planning Board is showing things like proposed ADA parking or like the pond removed just the notation so that way we can say 125 decided to move this building two feet there's no impact.

Mr. Lekberg interjected they never moved a building.

Mr. Moran continued he was just picking that as an example.

Mr. Lekberg interrupted to say what happens mostly is we add garage doors, we subtract garage doors; we add entrances, we think 100 people are coming to occupy the space and only five come; that is what has happened. Now we got five or six and five, Sonny's are just transient, we don't know how many they have, it can be three one day, twelve the next because their sales force rotates. What I'm saying is that it is hard for us to anticipate until the actually the customers are happening so these buildings are occupied they have met all life and safety, they have occupant permits, so we work with the building department, everybody else so you realize you have this, a few things like you are looking at the handicap ramp because as you know we might rip that out and it might get changed again so we try to spend what we need to spend, we don't spend just to meet the letter today and then rip everything back out again. It doesn't make financial sense for anybody, so I guess what I'm saying is that this is where we

are at; we are going to give you the plans of what we have, and we can continue this meeting and we'll see you on the 9th. So that would be the request.

Mr. Moran asked for a motion to continue.

Mr. Marchand **MOVED** to not take jurisdiction and to continue the public hearing to November 9th, 2022; Mr. LaVoie seconded the motion.

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

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

Chairman Moran recessed the Public Hearing at 7:39PM.

2. Board Business

a. Acceptance of minutes of the 10/11/22 meeting

Mr. Piper **MOVED** to accept the minutes as printed; 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**

b. NPREA Manifest

Mr. Guide **MOVED** to pay the NPREA Manifest dated 9-27-22 in the amount of \$1248.19; Mr. Marchand 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. Updated on CIP

Mr. Lavoie updated the Board and stated that the Town Administrator was assisting in getting the necessary information to complete the plan.

d. Review of the Land Use Chapter of the Master Plan

Planning Board Minutes October 25th, 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. 9

Ms. Rowden discussed the new chapter with the Board and how to gather public input for it. She walked the members through a short map-based survey she drafted, and members discussed content and when it should be put into the field. They decided to prepay the remainder of the consultation fees from the 2022 budget as soon as an invoice was received.

e. Updated on Grants

Ms. Rowden explained the types of grants available through the HOP grants and asked the Board which they felt they might apply for. The members suggested all 3 type of grants would supply monies for information they would be helpful to the Board's future planning.

3. Adjourn.

Chairman Moran adjourned the meeting at 8:20PM

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board

Planning Board Minutes October 25th, 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. 10