



## Newton Planning Board

### Public Meeting Minutes

### December 13th, 2022



The Newton Planning Board public meeting was called to order at: 7:05PM

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

Via Zoom were Members Ms. White and Ms. Collyer

Chairman Moran led the salute to the Flag.

#### 1. Public Hearing

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

- 1. *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 so just to give a General recap, this application has been in front of the board for plus or minus 100 days give or take over this traditional or allotted 65-day or the amount of time that we have to review it the applicant has asked for an extension. We have granted an extension, or a continuation and they have provided some additional information to us for our review one of the requests was to update the drawings to reflect the existing conditions my understanding is the applicant went out completed the existing conditions survey and I am probably missing a few other things but for 27-3. Ms. Rowden if you have anything to add.

Ms. Rowden stated I have provided an updated review I can go over that, but I think it actually might be useful to go through what the applicants engineer has put together which is actually an accurate sort of summary of where things stand with this board with a couple of components with the zoning board process that are all relevant so I would actually suggest you go through his information.

Mr. Moran added this came in today (referring to new paperwork) so, we have not had an opportunity to really take a look at it I was able to breeze through it earlier, but I know most of the board probably has not seen this.

Planning Board Minutes December 13<sup>th</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. 1

Ms. Rowden added that while it is a good summary it is not any new information that was provided today it is just sort of a good overview

Ms. White commented that some of the information that had come in later today I just wanted to remind the board that we do not usually look at things that have come in at the last minute where nobody has had a chance to look at it, I am not talking about the overview from Jones and Beach.

Mr. Moran stated I think that is definitely more relevant to some later things on the agenda or some things that will come up on the agenda but thank you for that as well I do agree.

Barry Gier (Principal Jones and Beach, applicant's agent) since our last meeting we have updated the existing conditions as a question about the board we also reviewed and revised the create a new drainage as required requested by the town or human engineer they included the director I set it on there that is all right there we go so the requested revisions by the town review engineer were included the guardrail revisions and additional detail on the Route 108 roadway improvements required by the traffic analysis we have updated and attended to preliminary ZBA hearing on the variances required for the proposed development all the variances requested are either for the roadway construction or drainage features catch basins pipes of that nature unfortunately, ZBA did not have sufficient time last meeting to hear the project, so we have been continuing to the first week in January the revisions to reduce the impact and number of variants is required was received well that does not really mean anything, but it was receivable well by the board dot is still reviewing the driveway application dot stance on the project is at the driveway permit for the site is currently active or there is a currently active driveway permit for this project so, what we are doing is trying to amend that existing driveway permit we have received verbal confirmation that the dot is going to work with us to amend that driveway permit it is currently has been approved by the Traffic Division as now I believe in front of the highway division that is part of the summary that I provided you now that we have the confidence that the ZBA is moving forward, the AOT application is being submitted and the town of Plaistow application will be submitted by the 28th this month for hopefully a hearing on January 18th we did request three waivers originally first one was to the road length which was granted on back in June the second was for detailed septic plans which we will withdraw because our revised plans do include detailed septic plans and the third one is to hydrogeological study we are requesting to eliminate the requirement for the hydrogeological study for this phase we can go through that in detail, but the hydrogeological study is required for any property that has a septic load over 2500 gallons per day this project is 2760 gallons per day for phase two so if you look at it is any property that has a septic load of 2500 gallons that could be two acres or in our case 143 acres so the intent of that is to make sure that the site is capable of handling the proposed septic load in our case that is less than five houses so if you

Planning Board Minutes December 13<sup>th</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

do not believe that we can put a hundred and or five houses on 143 acres and it will handle the septic load that is kind of beyond the pale so we think that waiver would be appropriate we do understand that future projects the hydrogeological study would be required, and we would not be opposed to making that a condition of any approval but for this phase we would ask that it be waived and lastly, we have received updated comment letter from Ms. Rowden went through them do not really have any issue with any of her comments so with that take questions from the board or answer or anything else the board might want to discuss.

Mr. Moran asked if anybody on the board had questions. He invited Ms. Rowden to go through her letter.

Ms. Rowden said, I will start off that I do think that Mike Vignale needs to provide a review of this latest plan set he has not had a chance to do that yet there are a couple of things there are some notes related to Plaistow's need for approval it needs to be removed the variance is that they are currently seeking I would still recommend that you require a hydrogeologic study even though I do agree that the site capacity is large for the gallons per day that they are seeking I think for a variety of reasons a hydrogeologic study would be good for this site the architectural plans it does seem like they still need a variance for the building height of building three it is a little bit above your 35-foot building height limit one additional change that was of some a significant change is the turnaround that is for the access road that sort of goes off to the back of the site that was originally a cul-de-sac it is now been changed to an L-shaped turnaround it seems that having that on the gas line easement is unnecessary why and may not be necessarily liked by the utility, why add additional truck traffic capacity on top of the easement when they turn around could be either before or after that easement property, so I do suggest you get some approval from like gas utility as to that design they would still be able to cross over the easement some additional notes related to storm water and your reporting requirements it is just putting what are in your regulations onto the plan set the condominium conversion would have to come at a later step this and when this gets approved it also seems that the existing conditions that were requested generally conform to what is out there I have not walked to this site but based on the aerials that I can at least have public access to it does seem to generally, conform with what is happening out there.

Mr. Moran asked the applicant, if they have an updated drainage report.

Mr. Gier stated we submitted it with the last package. I believe I can confirm that, but I do not have it with me.

Ms. Rowden stated it was not submitted to me at least with what was submitted two weeks ago.

Mr. Gier stated I will look into that it may not have changed I cannot guarantee but I will we will review it and get back to you on that.

Planning Board Minutes December 13<sup>th</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. 3

Mr. Moran commented that the previous drainage report said the site was treed in the narrative and the existing conditions shows it is not treed.

Mr. Gier stated I will review that get back to you.

Mr. Moran stated he had a couple more comments. I think it would be really helpful, and this is for all applications going forward. I have noticed that revision dates have not been included. In far less complex projects with less revisions it is pretty easy for us to keep track of this plan. I will wait for Mike Vignale's comments I just quickly reviewed this the like infiltration basin number four, and I discussed this last time it is still floating in the air it is not tied into anything so when this goes to DES at the alteration of terrain Bureau, they are probably going to have comments so if things start changing you are probably going to have to come back here.

Mr. Gier stated he understood and will review that we did look at them maybe you missed that one, but I will obviously review it and I understand that it should have had the Rev date should have been updated.

Mr. Moran added the same thing with number three. I would again take a look at most of your basins and while I did not look at this in any detail the rip rap aprons are in areas that are not proposed to be cleared so, the limit of work would be increasing and just minor things like that but I started diving into it and I think there will be some comments from DES that will come back that will change the plan set, change the drainage report, they may make some basins smaller bigger change the location which would then potentially come back to us.

Ms. White stated I would like to see something in writing from the fire department to make sure, that the changed L turnaround on the roadway is fine for them to turn their equipment around and I would also like to see it in writing that the fire department has no issues with the height of the building being a foot and a half higher than the town limit of 35 feet they have 36.5 so I would like to see it in writing from the fire department to put into the file.

Mr. Gier stated, we are going to revise the height of the building to meet the 35 feet.

Mr. Piper stated, I am interested in keeping the hydraulic study.

Mr. Marchand asked is there a specific reason why you went from the cul-de-sac to that L design on that street.

Mr. Gier stated, we actually were trying to limit the amount of wetland buffer impact so that is why we went from the turnaround or the circular turn around to the actual L shaped one.

Planning Board Minutes December 13<sup>th</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

Mr. Marchand stated he could understand the L, I mean looking at the dimensions it is definitely big enough if a tractor trailer to go up there and he could back into that L section and turn around so I know Ms. White's concern and the rest of them, some people would want the fire department's input and I would like their approval too but from what I have seen on the dimensions of that L more than enough room to turn a tractor Trail around so the Fire Equipment apparatus would have plenty of room to be able to maneuver through there.

Mr. Gier stated he agreed, and that it is a temporary turnaround. Ultimately this road is going to loop all the way around.

Ms. Rowden offered that if the Board was done with questions, would you want me to offer some procedural information

Ms. Collyer stated that she thinks that Jen's comment that the gas company putting in writing how they feel about the L shape turnaround on their easement would be an important consideration to have.

Mr. Moran asked the applicant if they had reached out to Until that owns that easement.

Mr. Gier stated I am but in lieu of the turnaround being on their property we will probably just shift it further north or west off of the gas easement we still they have the right to access across it, but I think I think Ms. Rowden's comment was the turnaround on it versus off it. It just seems unnecessary pavement over the easement. I think we can locate it to off of the easement and still have the same impact.

Mr. Moran added are those gravel wetlands are proposed to be permanent, the gravel wetland at the end of the road

Mr. Gier said yes, they are.

Mr. LaVoie asked if we were to approve the waiver on the hydrogeological study who would enforce that study to be conducted in the future if there were changes.

Ms. Rowden stated that the Board could have the study that you are required to do as a condition of approval and has to be conducted within one year, you could do that, then it is more of an act of paperwork. You can also have the town review and make sure, or the town engineer review it. sort of to close that loop, it is an after the fact condition like that is unusual, for I think exactly the reasons that you are questioning it.

Mr. LaVoie added that that is why I feel like that is why we are inclined to just do the study.

Mr. Gier interrupted stating excuse me for interrupting but that you could ensure that in phase three it you could put a condition on the approval that it cannot be waived in

Planning Board Minutes December 13<sup>th</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

phase three, because for 2760 gallons over 2500 gallons which is the requirement to have it. For 143 acres it is a little iffy but additional buildings and additional use, it makes more sense.

Mr. LaVoie continued, my issue with your analogy though is because you compared it to house, like to residential use, the thing is you are not going to be adding once those five houses are divided out and built out, it very rare that you are probably going to be adding more houses to that in the next 10 or 15 years versus with a commercial site it is likely to get developed more quickly.

Mr. Gier stated that he agreed, that is why we would not be opposed to the condition that additional buildings or additional use would not you could not waive that condition.

Mr. LaVoie stated he is more supportive of just knowing that information now so that we have it for the future rather than waiting to do it in my opinion .

Ms. Collyer stated she agreed with Mr. LaVoie, that it would be better to just have this all complete instead of having things kind of hanging out there it seems like a pattern, and I would just rather have a complete series of things so that we can just not have a whole bunch of conditions that such and such be completed but let us complete it. It is not like it would hold up the applicant from being able to start anything because he would still have to have it done and at which time come back and be reviewed so I do not see an inconvenience to the applicant for that and I see a convenience for the town in making sure that everything is done in order.

Coleman McDonough (applicant) I think all the board members are new and I just wanted to add that we have already done a hydro study and we can provide the documentation for that Hydro study that we have done in the past.

Mr. Moran asked when that was done.

Mr. McDonough stated he could not recall the year but can forward that to the Planning Board office.

Mr. Gier stated it was a study done in 07 for phase or for the project at the end of puzzle Lane.

Mr. McDonough stated there is also a well in phase two behind the Quintana building and the well still exists.

Ms. Rowden stated it is useful that there is something on an adjacent site that may be able to play into this question, if you were to require something on this site same thing if the Mr. McDonough were to be able to get to the next phase of his project and they can all talk to each other, but this is the application that is before you, this is the site that is before you.

Planning Board Minutes December 13<sup>th</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. 6

Mr. Moran asked, because this has come up specifically with this project, there is seven foot approximately high retaining walls on the edge of the road with guard rails shown. Are you all going to be able to get guardrails.

Mr. Lekborg (agent for the applicant) stated that it looks like sometime in early summer we are going to have stock available.

Mr. Moran stated, my concerns are if this gets approved with the retaining wall and I am guessing you are using retaining walls because you are adjacent to wetlands and you do not want to impact them , it is expensive if you look at the profile the existing ground drops off more dramatically or quicker than is allowed per your current road regs.

Mr. Gier stated that we are building the road to town standards, so we have to extend that grade a little further and we do not want to impact the wetlands adjacent to us.

Mr. Moran stated I am guessing if you are not going to put guard rails up, what I do not want to happen is this cross-section get approved and then something different is constructed because something is not available or it was easier or not I would or for whatever reason I would prefer to have what is going to be constructed be approved now even if it is for whatever reason I am just potentially seeing that there could be a lack of material and then the guardrails are not installed or something to that fashion.

Ms. Rowden stated that the guard rails they can propose an alternate design that is part of your review packet if for some reason that what original design is not available because of materials or whatever reason that way they effectively have two approved designs they can utilize so that that is a way I do not know of the supply chain issues with the guard rails how unlikely it is that you may not get them but just as an alternate

Mr. Gier interjected I think what we will do is I will talk to Mr. Vignale and see what his thoughts are on that obviously, we try to use the guardrail we think will be the safest and if there is an alternative to that he will accept as the town engineer then we will show that as well just in case.

Mr. Moran stated that he was just thinking, obviously. I was not looking at the cross sections with the limits of the wetlands about wetland buffers, but additional fill would potentially remove the need for that guardrail, but I like I like Mr. Vignale to speak to that. Jen you were going to give us procedural comments.

Ms. Rowden stated that the Board could take up the waiver requests with the hydrogeologic study you have had it for since I think the original application, although the reasoning has changed a little bit you could take that up if you wanted to, you could also wait for the town Engineers review as well before taking that up. It may be useful for the applicant to know with the waiver one way or the other, but at this point there is

Planning Board Minutes December 13<sup>th</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. 7

not a whole lot of additional information that I can help you with as far as what you may need what you do not need. The rest is really an engineering review so I would recommend you wait for any decision on the overall application until you see that comment letter from Mr. Vignale.

Mr. Moran opined that he has had this for approximately ten days or so.

Mr. Marchand asked if that was 10 days for the engineer to be able to go out look at it

Ms. Rowden stated that the Town Engineer received the application the same time I did, which was about 10 days ago. It is it is a large plan site if it did change fairly significantly

Mr. Marchand stated that he is supposed to be giving us his comments already, he is working on it.

Ms. Rowden stated she had not spoken with Mike Vignale my understand it he did receive it, he typically would provide comments on these applications.

Mr. LaVoie **MOVED** to open it up for public comments, specific to the waiver request for the need for the applicant to provide a hydro geologic study for the septic subsurface disposal systems. Ms. Collyer seconded the motion.

Ms. Rowden stated your regulations require anything with the septic capacity of over 2500 gallons per day requires a hydrogeologic study this is over twice that.

A.A. Doggett reminded them that no motion was needed. The motion was withdrawn.

Mr. Moran opened the floor for public comment.

Doug Kastanotis (Abutter, 21 Evergreen Drive) my only concern is we have Hampstead water supplying the water for the entire 115 units in Sargent Woods and it abuts I believe the larger lot of where the housing project is going in, and I would like to be considered a septic system, a water system going for these home designs and that is all I have to say.

The Board discussed the waiver, a possible timeline for the study to be done, as well as a possible motion to deny the waiver.

Mr. Gier requested a continuance to January 19<sup>th</sup>, 2023.

Mr. Marchand **MOVED** to continue the public hearing to January 19<sup>th</sup>, 2023 with the applicant supplying the existing hydrogeological study for this lot, to be reviewed by the Town Engineer, and with the intent to decide on January 10<sup>th</sup>, 2023, on the hydrological study waiver request.

Planning Board Minutes December 13<sup>th</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. 8



Ms. Collyer seconded the Motion.

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

Mr. Moran-Aye, Ms. White-Aye, Ms. Collier-Aye, Mr. Marchand-Aye, Mr. Lavoy-Aye, Mr. Piper-Aye, the vote was **UNANIMOUS**.

Chairman Moran recessed the public hearing at 7:45PM.

Chairman Moran recalled the public hearing to order at 7:46PM and read:  
***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. Moran stated as a general recap of this application is that this application was originally provided to the planning board in September of 2022 there has been a few revisions of the drawing set. The project was originally approved by the planning board I believe in May of 2015 there were some deviations from what was approved, and the applicant is trying to or in the in the process of documenting those deviations and potentially having them approved by the Planning Board. We received updated drawings back in October and then subsequently drawings in the past week or so, Ms. Rowden and the Town Engineer went out there on November 21<sup>st</sup> to view the site. Ms. Rowden, do you have any comments?

Ms. Rowden stated the Board received the comments and photos from the sidewalk Mike Vignale and I did with Mr. McDonough and one of the tenants of the property. you also got a review letter from Mike based on that site walk subsequent to that, some revisions of the As Built drawings which were also submitted. My overall comments are that the As Built that was submitted most recently does appear significantly more accurate to what is on the site. There is some confusion with some of the submittal dates and I do highly recommend you require that be updated because it is starting to get, with all the drawings coming in, hard to keep track of which ones are which because there are multiple copies, there are some items that are on the As Builts that are still some concerns but the biggest ones and these are in my letter are recommending because there are some storm water detention basins that are that were on the original design that are clearly not on the site they concurrent with Mike Vignale's comments that the board may want to require that an updated drainage analysis be conducted by a licensed engineer to determine if what is on site is adequate to meet your regulations; or if it is deficient what needs to be done to bring it into compliance. The second aspect is that the site had a few safety concerns, there are retaining walls and a few locations that were built that were not part of the original site plan most specifically the retaining wall. That is to the back of the building that is at the edge of the fire lane to have an engineer review the safety of that to take a look at it other aspects there are small boulders along the edge of the pavement of the large parking area that should have been guard rail that do not appear sufficient to stop a

Planning Board Minutes December 13<sup>th</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. 9

vehicle if there were to be an out-of-control vehicle it is quite a steep embankment, there is one specific hole that is near the edge of the pavement that Mike noted is not actually a detention basin it should be filled for safety reasons, it is a good size hole. At the site there was some blockage of the emergency access or at least near blockage, I cannot tell you if it was fully within the access, it was very close to it with temporary construction trailers and a few of the tractor trailers that were being stored on site that is why I have just commented that any approval should require that those not be stored there. At the site it was discussed that because of the uses they have at those buildings they do not really need as much parking as was originally approved that makes actually a lot of sense, but we do need some information about where the parking is proposed to be that was not provided on the asphalt. There is not striping there so the As Builts are accurate and that there is not striping putting in the striping were they want the parking and same proposed striping I think would get us to that make sure that there is adequate vehicular circulation on the site and sufficient parking for their needs. The other item is that there is outdoor storage currently most of it looked like staging for the construction of the units and sure Tom can speak to this but just clarifying that there is not to be outside storage of materials with any of the uses that are on that site that is been part of any of the amended site plans that occurred when they have come in for change of uses that has been a continual condition but that should just be confirmed it does not appear that there is materials being stored outside that are not related to the construction but so those are my big things generally. Mike Vignale had a similar vein through his letter he had a few more specifics with some of the requirements to be on a plan but those are our big recommendations.

Mr. Moran asked A.A. Doggett if he had a chance have the notice of decision handy.

A.A. Doggett asked which one he wanted.

Mr. Moran stated I was going to say the original I know you sent me 12 of them. He then asked if the board has any questions about what we have in front of us, we have a lot in front of us and a lot that bothers me so, looking for questions or comments at this point.

Ms. Collyer stated she was very concerned about storm water and erosion statements, and I think it is very necessary to have the study of what is actually in place to have those holes filled in to have the safety items done, like the guardrail sufficient to stop a runaway vehicle I think that the landscaping that was originally planned was to help erosion control down that steep slope down to some of the abutters and that has not been done and that is a big concern of mine I would like to make sure that a storm water study is done that would say whether that is in fact needed to have the 104 trees as opposed to maybe 12 that are up there. It is a big difference; I have some real concerns about that.

Ms. White stated she agreed with everything that Ms. Collyer just said has those same concerns.

Planning Board Minutes December 13<sup>th</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. 10

Mr. Moran stated, I share this the same concerns as well I also have questions, we have drawings in front of us that are labeled As Builts but they are proposing certain items like future use so and again it is like clarification on what is in front of the board so 10 years from now when I am no longer doing this, and we are all on vacation somewhere that we can go back in history and try to figure out what decisions were made so it is really difficult to go back when everything is dated the same date and is labeled as the As Builts but has future stuff in here and I understand like you do not know what is going to happen you may change the sidewalk but just clearer information for the board to look at now and review; for our Town Engineer to review; and the public to understand what is going on where do you see the future. because I saw a future dumpster pad but that is the only one, I saw there are a few other things; the ADA spots are labeled ADA, but they are not ADA Compliant.

Mr. Lekborg said, they have all been paved, everything has been done yet what are these remarks parking lots have been straight ADA signs are up; everything is done. There are a few little things left to do on the rock guard rail. I am the Builder so; we have been working vigorously here trying to get stuff done since the meeting with Mike.

Mr. Moran stated that unfortunately, I did not make that I was traveling.

Mr. Lekborg stated a lot of things have been addressed that is on that is that you requested that was on the drawing and been done we are ninety-seven percent done we have some new things that came up from Jen and from Mike. Look we are looking like the retaining wall behind building 9A. It was built five years ago, it was permitted of the building department, and it was inspected by the building department I would have to go back and see how that was designed it is ages ago in my opinion. The ponds. we have not touched on the back because we are still having kind of a question about that and I did not build them, and I could show you the drawing for that section. I know that what I am saying is I just want to explain because it looks like we just want to have them do what we did not want to do, and this is the pond that we were talking about in the back. I did not put them in because I did not see they were temporary; they were there one time they were further up an elevation beyond them, and I do not see how they would work sitting inside the wetland buffer zone at the 50-foot mark which is marked right in the drawing. I am looking at this and I am like saying to myself is like well one I do not know how it would work and maybe we would hire Barry to take a look at this for the drainage.

Ms. White asked Mr. Lekborg to repeat himself as he was off microphone when shown the plan at the table.

Mr. Lekborg reiterated the two ponds behind building 9C behind the Eastside, that is on the slope between the property of Jamie Fitzpatrick and ourselves. There is a slope there that is supposed to have two ponds in that turn there that that are marked temporary sediment basins that we had in there as we are building the construction it

Planning Board Minutes December 13<sup>th</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. 11

was just holding runoff water until we had something to grow in and now they are coming to question because they are not there, and we are saying well it is it is a two to one slope how would you install them where would you drain them to wherever the four may be like how would you when they overfill where would it go .

Ms. White stated, I am looking at the original page three landscaping plan from 2015, and those two places that you are talking about they are labeled storm water management they are not labeled temporary ponds I think that they were supposed to be there, and I do not know what happens with the slope but evidently there was not a bad slope when those were designed to be there in the first place.

Mr. Lekborg directed Ms. White if you go to page three and look at page three, they are there too and that is what I was looking at when I was building it.

Mr. Moran asked, have you looked at the drainage report.

Mr. Lekborg stated well we are going to run them again, so we are going to try to figure out how we are going to do this because I am a two to one slope where am I going with that, and I am dreading Mike's comments.

Mr. Moran added, I guess to that question why was it designed without a retaining wall if it was not going to work.

Mr. Lekborg stated, I agree with you, it is like we come in their product you start building it, we tore down a mountain right we flattened out a mountain, we filled the back end of the property, and as I got into it, whereas we need a slope that is that is far exceeds anything that is going to be stabilized so we ended up putting a retaining wall and we went for a permit and there was a lot of discussion when we did the retaining wall because it went back and forth and then it ultimately the building inspector said hey I will give you a permit for you to build it and then that is how that is how it went and that is what I recall I do not recall what we get all the whole thing, but the wall was designed, and we built it because we had to there was no other way.

Ms. White asked to interject something, if you got the okay from the building department you evidently did not come back for an amended site plan at the time to build that wall in the first place because we do not have any records of that, and you would have needed an amended site plan because that wall was not on the original approval.

Mr. Lekborg stated I agree, and we did not, you are correct, we went to the building department and asked for the building permit for it because it was greater than four feet.

Mr. McDonough stated, yes, these three small ponds if you look at them, they are not close to the wetlands, they are not near the wetlands, they are on the wetlands, all three of those ponds like a foot off of the wetland delineation.

Planning Board Minutes December 13<sup>th</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. 12

Mr. Moran asked, are they on the wetland or are they not in the wetland.

Mr. McDonough stated on the wetland line, if you look at, I believe it goes all the way around it makes like a 90-degree bend that is on the wetland line; it is at the toe of a three to one slope. Dennis, you are an engineer if that pond is collecting all of the water running off a three to one slope it that pond fills up where in that pond does it show the drainage and treatment when it is abutting not near it is on the wetland line so how are you going to treat the water flow out of that pond that is on the wetland.

Ms. Rowden opined that one of the reasons that this application is before the board is because it was acknowledged that what was out on the site is not what was in full compliance with what was the original approval the reason the plan says As Built is that was one of the requests of the board to have better documentation about what is out there. There are in my opinion some deficiencies of information of what is out there to meet your regulations to have this site be in compliance with your regulations I think to get to that end having an updated drainage study to identify maybe what is out there is sufficient that would be that would be great. Maybe there are some things that need to be improved that you would also identify that, so I think if the goal is to bring the site into compliance and understand what is out there whether what was supposed to be built or was temporary for a drainage basin they are not there, Maybe something needs to be there maybe something else needs to happen because you cannot put a detention base in there.

Mr. McDonough stated we have retained Jones and Beach to do the drainage calculations and do the study for the drainage calculations and I agree with Jen in several aspects number one the ponds might not be needed number two they are at the toe of a three to one slope from before; they are not treated, and they go right on the wetland line which the rules and regulations are to be 50 feet off of the wetland, no construct, and that they are not treated going into the wetlands and I would think that it would be bad building practice to go into the winter without any germination and constructing these ponds when we are going to hire Jones and Beach in the three ponds that are on the wetlands might not even need to be installed number one in two even. Mike Vignale in a site visit had had made the comment that these ponds might have to be relocated if they are needed. As far as the retaining wall Dennis Nadeau who was the building inspector inspected that retaining wall. I think that there was a small bust in the topography from civil design in a couple of different areas and even Mike when he made a couple of visits out there between rip rap in in the slope it even says if needed that rip rap will be replaced if you cannot achieve a three to one slope and we pull the building permit and Dennis Nadeau inspected every aspect of that retaining wall and it has been in there for five years it is got geomat and he approved it and after five years I cannot believe that we will question the integrity of the law that was inspected by your building inspector. All of the boulders that where small boulders have been replaced; all the all the handicapped striping has been that painted; other than the temporary office trailers that Turner motor sports agree that when they do their tenant fit up, they will be removed as far as their location we can provide you with a letter from

Planning Board Minutes December 13<sup>th</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. 13

the fire chief who has come out and done a site visit and approved what where there geographically, placed right now for safety for the fire trucks to get around as far as this hole which I consider a pond we go back to I am using good practice in that do you want to fill a pond with fill and loam going into the winter without having germination of grass. I did not do it is germinated there is growth it is not eroding there is no breakout so in the springtime I had full plans to fill that pond when we are in the germination season, and it does not have all kinds of runoff into the other ponds with snow and ice and frost and rain but again everything on Mike's plan has been approved. In the storage has been marked, everything that is been requested has been done we have we are going to hire Jones and Beach and we were looking to see if you could take a vote on possibly posting surety with the proposal of the drainage to see if Will Turner could close on his building it has been almost a year now.

Mr. Moran commented, to recap my opinion, this is my opinion it is not necessarily the board's, if this was built how it was originally approved, we would not necessarily be here, and I understand there are deviations, but I am looking at what was just in front of us half an hour ago and infiltration basin number three is within feet of the wetland so, if that is a concern and I know I am mixing topics maybe this should be revisited later and we are trying to work with the applicant to move this forward but I do not know what surety amount I would be comfortable with, or the board would be comfortable with to guarantee that I do not know what the drainage report is going to say so, if they are and there is other outstanding items out there the vegetation screening that was proposed and approved before has not been constructed as originally approved and although the building inspector may have approved the wall I do not know that still needs to be approved by the planning board and there is other aspects of the site that it was cleared much further than we originally approved too the west and north and I think we are a fairly reasonable board if what is in front of us and we approve what is in front of us is what is constructed we do not have a problem with it and if there is a minor deviation that can be approved and amended but as you said it has been there for five years the retaining wall was a point you have had five years to come here to get that approved and that is how projects like this in my experience typically work where in front of planning boards on behalf of developers or I am to amend site plans almost monthly for projects of this size and that is my opinion I am not sure if anybody else on the board has any other comments.

Mr. McDonough stated number one you have to have which is like top the top topic is safety there is a 26 foot roadway how do you get in between a building and make a 26-foot roadway without the wall the building inspector inspected it I mean one would think as he inspects it he was making his inspection that if he needed to you know a permit or we had, and I and we could have paid for an additional permit I am not sure this is back five years ago none of the board members that sit on the board right now or have been on the board for this length of time when this project was approved, and I made the statement before that we came in into a meeting and there was agreed that the specie of tree that was designed on this plan it would not live in this region and we had this full discussion that we took native trees that when we were building the drainage Pond

Planning Board Minutes December 13<sup>th</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. 14

going back to seven puzzling we took the existing native trees and filled in the line of sight on Sargent Woods and also in Walnut Farms when we did the three to one cut on that slope everything was filled in we showed Mike Vignale on the sidewalk the engine that we took 100 of trees and off of these two areas and planted them in to block the line of sight was the big concern of all the neighbors the trees that were on the plan even the nurseries said we will sell them to you Coleman, but they are not going to grow we will guarantee that they will die and that was all addressed, and we had this meeting like years and years ago like 10 years ago and that is what was done so hence that is why the species of trees were not planted in the exact location of the plane it is about the amount.

Mr. Moran stated, I have no further comments I am not sure if anybody else in the board has comments.

Mr. Marchand stated, I am looking with the one of the pictures of the retaining wall and from my perspective I am seeing the whole second and third tier of block starting to shift out towards the road so obviously there is something going on with the water run off there that is creating a lot of pressure on that wall and pushing that wall out and that is why I believe Mr. Vignale mentioned something about that retaining wall in the issue with it. I would also like to second what Dennis said the whole thing is when these plans and you come in and these get addressed to the board and you go out there and you are going to put these plans into motion right you have times and dates my father was a contractor, so you have dates to keep things to do. The trees that you have just put in over by Mr. Fitzgerald's place were supposed to be in a long time ago, but yet they were just recently installed. These things like Dennis said if they were done when they were supposed to be done and they were done the way they were supposed to be done when you came to the board this whole transition would have been smooth Mr. Turner would have already bought the property from you and what you would be doing now is coming to us asking for a slight site plan adjustment to change the plans so it would suit his needs in his desires we are trying to work with you to get this done so that you can have your piece of the pie; Mr. Turner can have his; so we need some cooperation here and I am not going to sit here and just keep passing the buck on this and keep playing the game to where we are going to keep kicking this can down the road so these things need to get addressed properly they need to be dealt with and then when they are dealt with in a proper manner then we can take this whole situation to where everybody will be satisfied with it, and we can move forward with it and that is where I stand with it.

Mr. LaVoie asked if the first step is to get an updated drainage study, correct.

Mr. Moran stated what Mr. Lavoy asked what is step one. His question was is the first step to get an updated drainage study so the applicant has a proposal, and I am not sure I guess I am indifferent either way that Jones and Beach will perform a drainage analysis of the existing and As Built conditions in accordance with state and local regs

Planning Board Minutes December 13<sup>th</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. 15

the study we will compare the peak runoff rates in compliance with the approved site plans and I guess my opinion would be that this would be backdated to the regulations of 2015 or whenever we approved it 2015. so that may say it is totally, fine nothing needs to be done or it may say you need some additional treatment the parking lot's been expanded you need additional infiltration basins they need to be constructed on the site it is going to cost X dollars to build this.

Ms. Collyer added that at that point given that information we could consider a bond I would think but at this point with no information it is premature.

Mr. Moran stated he would agree with Ms. Collyer.

Ms. Rowden if the drainage analysis were to come back and say you need additional treatment you would want to know what design would also be proposed so that you would have an idea of any bonding that might be considered but also how it would impact the rest of the site where would it be located what would be the design what would be the infrastructure. So that there are two P I do not know the details of the contract the applicant has with Jones and Beach if it includes that aspect but if it is not sufficient drainage that would be the next step of that topic.

Mr. Moran said, yes, that I would assume that this is based on the existing conditions survey which we have an As Built plan it does not appear to have topography and what is in front of me but that would probably have to be updated and included so Jones and Beach can properly analyze where water is moving on the site.

A.A. Doggett said, I just want to make sure I got the aspects right, you said that the drainage analysis would be made in accordance with the standards that were in place in 2015.

Mr. Moran added at the time it was applied for and approved. There probably has been some changes.

Ms. Moran added that it would be in my professional opinion unfair to the applicant to have to design the originally approved areas to the current standard now if they deviated from that for additional impervious area aka the parking lot to the west that has since been expanded, I would say that that area would have to meet current regulations, but I also do not know how the Alteration of Terrain Bureau feels about there is a process for an amended alteration of drain permit I will just state that.

Mr. Lekborg inquired what you are talking about in the parking lot that is northwest of the property in 9C at the rear with a septic system.

Mr. Moran stated, yes or any area that has differed from the ground coverage previously approved.

Planning Board Minutes December 13<sup>th</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. 16



Mr. Lekborg added, so an impervious area, I mean we do not it is not a paved area.

Ms. Rowden stated the gravel is considered impervious by AOT.

Mr. Lekborg interrupted to say it is crushed concrete. So, you are going to go with the 2022 regs on the parking lot

Mr. Moran stated that is a reasonable area or a reasonable assumption.

Ms. Rowden stated I would expect to see information on the previous impervious surface square footage for what the original proposal was and then identify the square footage of any new impervious surface that has been created that includes gravel. Because if it is below a certain threshold, it may not trigger what normally would be your new storm water requirements simply because of the small size of it and then I would go from that information for a recommendation.

Mr. Moran stated, and then Mike Vignale and the board can review what comes in.

Ms. Collyer asked, in the last statement from Mr. Vignale, on the parking lot lighting, is that a concern to anyone, if so, we should address that as a part of our statements to the applicant that that needs to be done so it does not come up later.

Mr. Lekborg stated the reason we have less, we run less and less (lighting) is because of all the complaints from Sargent Woods. Instead of having all the poles that were proposed at their property line that we are supposed to have we have wall packs instead and all lighting is supposed to be during the nighttime we shut everything off at 9:30PM. Now because of the never-ending complaints from the building department with the code Enforcement so that is why we are where we are at, there is plenty of lighting there is nobody there really any time after seven eight o'clock anyway, so I do not think that is not an issue.

There was a healthy discussion on parking and lighting.

Mr. Lekborg stated he would like to do a waiver for it (parking and lighting) if we could that we would.

Mr. Moran stated that he thinks that that something that the board could easily be amendable too. think the larger items are that retaining wall, the drainage analysis, the vegetation screening, the boulders, the parking detail.

Ms. Rowden added, if the boulders have been replaced, then I would recommend bringing in photos to show that. I do think the striping with the parking to show that location there were a few items with sidewalks also, confirmation that the storage that is out there is for construction I would like that note actually changed on the plans it could just state that there is not outdoor storage for any of the companies that are in

Planning Board Minutes December 13<sup>th</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. 17

there. I think there are a few things that are more note related or small details but they are important for this site so you can understand what is going on and so it also allows the flexibility that I know they need with the kinds of uses that they are seeking to have.

Mr. Marchand added that that retaining wall needs to be looked at too, we will take a look at it.

Mr. Lekborg repeated that Coleman said the construction trailers are there, they are only there waiting for this to close out and then we will build the interior with Turner and then everything will leave that is there, so it is just temporary, but they have permits they have electrical perms on them fire department has approved them there, so I mean that is that is been quite a while now right two years.

Ms. Rowden stated my concern was actually more of the tractor trailers being stored near that emergency access rather than the construction trailers.

Mr. Lekborg stated I will make sure that they do not keep anything in the lane, but we just get they just got interior doors there so that all that stuff actually goes inside right now as an intended to do,

Ms. Rowden added I will confirm that Mr. Turner did state that to me at their site at the sidewalk.

Mr. Lekborg added those trailers are three million dollars each, they do not want them outside.

Mr. Moran opened the floor for public comment.

Jamie Fitzpatrick (Abutter, 15 Walnut Farm Road) stated I have heard a number of comments about the longevity of the board and who has been around who has not been around, I have been around with this in my backyard since it started, so a quick history, really quick, we bought our properties on Walnut Farm Road with a 200-foot setback required for the Light Industrial land abutting us, the plans originally came to this board confirmed the 200-foot setback; it went to the ZBA, the ZBA did a walk through, made a compromise, and made a 90-foot setback; the developer has gotten the benefit of every foot of that 90-foot setback and arguably then every foot of it they put up a building using those regulations and those rules based upon the zoning board decision, all power to them, all correct; at the same time their agreement was when the planning board made the final plans there would be a screen it was not just for soil erosion it was to screen the property by the prints that I have been given by this office there are 59 trees that are supposed to be behind that building, as of September there were 14. September this year, it should have been done years ago. I think Mr. Marchand on our referenced that that was should have been done a number of years ago there were 14. I watched the building be built it is in my backyard there were no hundreds of trees put up behind that building which you moved from other areas of that lot, that did not happen,

Planning Board Minutes December 13<sup>th</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. 18

so I would strongly urge the board not to waive the requirements. The Walnut Farm people live with the decisions that were made, they do not rant and rave, they do not protest, we did not try to cause all kinds of problems, 90-foot setback was granted that benefited the developer, what was granted to us was a vegetation screen and this board should uphold that decision, the developers benefited from their share of that decision, we should have ours and this board should uphold that and not waive that. thank you thank you.

Doug Kastanotis (Abutter, 21 Evergreen Drive) I would like to point out between two and three years ago I am guessing this discussion is about the retaining ponds between Sunnys and the Woodland Road in Sargent Woods, that is the roadway in Sargent Woods which is called Woodlawn the chair of our grounds committee at the time was Jerry Catrale he pointed out that there was a breach in the backside of that retainer wall that caused some debris to come down into the into the sides of the roadway on our side of the property and it was reported to the building inspector at the time, and I believe the situation was corrected but there was a sediment that had come down into the Sargent Woods area and into the waterways and I just wanted to bring up that point and thank you.

A.A. Doggett offered, if it would benefit the board in their next board packet so I can put the original site plan, landscaping plan, and notices of decision if you would like.

Mr. Moran stated that he thinks that would be very beneficial for us.

Ms. Collyer stated that that would be great, thank you, Jim

Mr. McDonough in commenting on the next-door neighbor that just spoke, James Fitzpatrick, the 90-foot setback was in place when Mr. Fitzpatrick bought his lot in Sargent Woods, I spent almost a half a day with Mr. Fitzpatrick showing him the heights of the building the location of the building as Jim gives you the plans there is not one tree on the plan that got approved that is in the line of sight for Mr. Fitzpatrick's house. We had several meetings with Mr. Fitzpatrick in both him, myself, and Tom Lekborg and he agreed to these 14 trees being planted which is us when those trees come to growth, they will have a full blockage of the line of sight from his house. It was agreed back when Shanti was the building inspector, he knew about it we did have a little delay because we were in the biggest drought ever in this summer as far as planting them, we planted them all we spent about 14-15,000 planting them to suffice Mr. Fitzpatrick. But again, if you look on the existing plan there is not one tree to be planted on the plan that blocked any line of sight from Mr. Fitzpatrick so out of the goodness of my heart along with his approval on the location all of these trees were planted if he does not like them, we will be glad to rip them out and relocate them it is a giant one.

Mr. Moran stated, I am looking at the approved plan for May of 2015, that is dated May 7, 2015, that was approved by the town of Newton Planning Board, and I disagree with

Planning Board Minutes December 13<sup>th</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. 19

that statement. I am looking at a proposed landscape earthing berm 50-foot undisturbed buffer that is probably the length of the building that is offset to the east. I am not sure exactly what that did, it says, and it does show the 90-foot structural setback and the 50-foot wetlands setback, and it then shows the emergency access that is in place.

Mr. McDonough interrupted stating, Dennis, I would be more than happy to take the original set of plans and meet you out there on site and show you what we planted in addition to appease the line of sight for Mr. Fitzpatrick.

Mr. Moran continued, again I think I am looking at what was approved, it is signed and recorded at the registry of deeds, if there is a more recent one that was approved that changed that, I am personally unaware of it...

Mr. McDonough interrupted to say, but you really have to go out to the to the site.

Mr. Moran continued ...I am looking at the plan that was approved...

Mr. McDonough interrupted there is a three to one slope so if there is additional trees that they want to plant he probably will not even see the top of them.

Ms. Collyer asked, I wonder if there is anything in writing saying exactly what was agreed to was it six-foot trees, is it trees which are due to grow, and to be 20 feet in 10 or 15 years what was it that was actually agreed to and was that brought to us to say this was okay or is it being brought to us now to say will we approve this As Built. I think they are just some open questions that are not answered in the poll and it is our job to make sure we protect all the applicant according to what is legal and allowed in our regulations and to protect our abutters and residents so it needs there needs to be a balance here and we need more information.

A.A. Doggett offered in answer to Ms. Collier's questions, if you look at the signature on that sheet it might look familiar. The landscaping plan lists not only specific species of trees, but they had to be between six and I believe 12 feet tall and exactly where they were to be planted, certain clustering which was indicative of native plant way you would find plantings in in nature, and it is a landscaping plan that was supplied by the applicant, and it was reiterated on the most recent applications and notices of decision regarding this piece of property that the applicant would fulfill the landscaping plan as required and recorded and that was in 20 what we heard it in 2019 and 2020 I believe in 2022 I believe all three.

Mr. Fitzpatrick stated, I will not get into it back and forth I will just get some statements of fact if you look at the timelines when this first get brought in and you look at what the setbacks where you will find that they were in fact 200 feet you will find that the planning board when you check the records did in fact grant the 200 feet and you will see that it went to the ZBA and it was changed to 90 foot, and I know I lived here through all of

Planning Board Minutes December 13<sup>th</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. 20

that so I want to make that point clear I will validate that I did have a number of meetings with Mr. Lekborg and when Mr. McDonough not once ever did I say just make sure I am covered and ignore the rest of the street do not worry about the other 59 trees just give me some for me. It did not happen. All I have ever said is there should be plantings the one adjustment I did say would be nice from the perspective of Walnut Farm people, where evergreens as opposed to leaf trees because there is leaf coverage in the summer, and it is blinding in the winter with the silver roof. I am just not going to get back into the back and forth check the records the facts speak for themselves.

Ms. Rowden commented that if the applicant is seeking to amend the vegetation plan obviously, they have put what has is out on the site I will confirm that those 14 trees are there they can do that was part of this if they do not want to conform then that is a discussion the board can come up with, but it is not necessary for them to provide an updated landscape plan for accepting of jurisdiction of this amended plan there are other things for jurisdiction of accepting this plan. I think you are considering a sitewalk on the site may be useful if we get to a complete application specifically for the vegetation aspect if that is still coming up as a concern or an issue.

Mr. Moran stated, I do not think we are there yet but so if the applicant wishes to amend what was previously approved for the vegetation screening, then they could propose that as part of their material that they have for you right.

Mr. Lekborg asked, should we get it in the writing. I just want to review one thing with Jamie it is like he is saying he is gotten the 14 trees that is not true I did plant 14 trees in front of his property squared to it further up on the property going along to his neighbor's houses I personally planted the trees that they were only sapling small because of the slope of the angle they are probably 10 feet tall right now and there is well north of 75-80 up on the hill and Mike Vignale, he looked at him so, they are there they are all young trees they do not fit the whole rest of the the forest, there was no evergreen right there might be a few big, really tall ones but everything that is smaller than 10 feet and down we planted it was for soil stabilization at the top. Anyway, we will ask for some kind of adjustment to make sure that they are happy too so there is got to be some give and take.

Ms. Rowden commented, I will say being there on the site with no leaves on at all from the property of this site from the back of the building I could only really make out one or two houses through the vegetation that was there. What was planted, what was not planted I cannot confirm, except for those 14 trees, but it was difficult to see the houses from that from that vantage point. I do not know from the pro about his properties.

Mr. Lekborg stated Mr. Fitzpatrick's house is the one that is the most seen, just because of the nature he is a little further back, and he is further down the neighboring are actually quite a bit Higher

Planning Board Minutes December 13<sup>th</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. 21

Mr. Fitzpatrick stated as Ms. Rowden mentioned that she could not see the houses very well, anybody on the board is welcome to stand in our backyards and look at the building and you will find that it does not work in reverse, the screening was there for the benefit of our houses to screen the building and Mr. Lekborg I would be glad to go out and look at those trees, I do not know where they are and because they do not appear to be across the building to me but be glad to go out and look at it.

Mr. Lekborg stated they are not sitting in line with the ones you have now they are at the property, I guess I will make an appointment Mr. Fitzgerald again and we will go out and visit the trees and I will point out to him what has and has not done but we will bring him writing to make an amendment.

Mr. Moran stated I think that would be helpful and if there is some agreement or conversation that the abutters I agree to a change or what they prefer I think it would be beneficial if the abutters came here and spoke, reiterated so that it is both...

Mr. Lekborg interrupted to say, I am pretty sure they all want evergreen they do not want any leafy because that does not work.

Mr. Moran stated he did not know exactly what was approved before so if they were evergreens and I think I flipped that around.

Mr. Marchand stated I appreciate the fact that in the letter there was a suggestion about a bond maybe posting some money to maybe hasten this whole process and get it moved forward however with the amount of work that still needs to be done and not being able to put a dollar amount on it at this point I am not ready to take ownership of this and I would not because I would not be able to put a set amount on the bond that I would be happy with, the town having in order to make sure that all the proper work got done and taken care of, so I am going to at this point make a motion not to take jurisdiction of this until some more of this work gets done and that we have a better picture of the fact that everything's better intact

A.A. Doggett added things it was just a point of reference normally you make motions that are in the affirmative however, you simply do not have to take jurisdiction you can continue the other was sorry it went completely out of the top of my head.

There was a discussion of the date to continue to, what documents the Board wishes to receive, and about sending the abutters a non-certified notice for that meeting.

Mr. Lavoie **MOVED** to continue the public hearing to January 10<sup>th</sup>, 2023, conditioned on meeting what Ms. Rowden's and Mr. Vignale's letters stated and to send non-certified notices to the abutters. Ms. Collyer seconded the motion.

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

Planning Board Minutes December 13<sup>th</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. 22

Mr. Moran-Aye, Ms. White-Aye, Ms. Collier-Aye, Mr. Marchand-Aye, Mr. Lavoy-Aye,  
Mr. Piper-Aye, the vote was  
**UNANIMOUS.**

A.A. Doggett offered that he wanted to make to let Mr. Marchand know that the board does not determine the price of the bonds we usually ask the town engineer and other experts to give us costs based on expert knowledge.

Mr. Lavoie **MOVED** to send non-certified notices to the abutters, billed to the applicant. Mr. Marchand seconded the motion.

A.A. Doggett stated he would need a set of labels from the applicant.

Mr. Lekborg stated they would be delivered.

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

Mr. Moran-Aye, Ms. White-Aye, Ms. Collier-Aye, Mr. Marchand-Aye, Mr. Lavoy-Aye,  
Mr. Piper-Aye, the vote was **UNANIMOUS.**

Chairman Moran recessed the public hearing at 8:54PM.

Ms. Collyer wished everyone a happy holidays and left the meeting at 8:57PM.

## **2. Board Business**

### **a. Acceptance of minutes of the 11/9/22 meeting**

Mr. Marchand **MOVED** to accept the minutes 11/9/22 meeting, Mr. LaVoie seconded the motion.

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

Mr. Moran-Aye, Ms. White-Aye, Mr. Marchand-Aye, Mr. Lavoy-Aye, Mr. Piper-Aye,  
the vote was **UNANIMOUS**

### **b. NPREA Manifests**

Mr. Marchand **MOVED** to pay the NPREA Closeout Manifest in the amount of \$1037.99  
Ms. White seconded the motion.

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

Planning Board Minutes December 13<sup>th</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. 23

Mr. Moran-Aye, Ms. White-Aye, Mr. Marchand-Aye, Mr. Lavoy-Aye, Mr. Piper-Aye,  
the vote was **UNANIMOUS**

Mr. Marchand **MOVED** to pay the NPREA Manifest in the amount of \$937.01; Mr.  
LaVoie seconded the motion.

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

Mr. Moran-Aye, Ms. White-Aye, Mr. Marchand-Aye, Mr. Lavoy-Aye, Mr. Piper-Aye,  
the vote was **UNANIMOUS**

c. Update of the Land Use Chapter of the Master Plan

Mr. LaVoie stated, our Town Administrator is working on getting further feedback on that  
so no update as of yet, but we should have one in January, you should be getting it  
soon and he asked that Mr. Piper be included when he disperses it.

d. Land Use Chapter.

Ms. Rowden stated we closed the survey back on November 20th I left it open a couple  
of days later than we had originally talked about we had a total of 55 respondents which  
is not a huge number admittedly but it is more than probably would have come to a  
meeting with the planning board, you had had about 450 when we did the overall  
Master Plan survey that did also talk about land use items this was just a referring back  
to it I am getting a little bit more feedback the overall comments were arranged between  
for things you like what you would like to see more of what you would like to see less of  
really liking the natural resources wanting to have uses that were generally more, small  
town feel some people want absolutely no more construction some people want more  
multi-family and some more commercial generally, on the lighter use sort of commercial  
industrial than more commercial per se that is a very big overview of the couple of  
comments I was going to summarize them into the chapter give you the draft goals that  
we have sort of discussed in the past and then when you are ready, and we can do this  
at the 27th I will have time to sort of summarize that for that date once you are ready if  
you are comfortable with it, we can work on moving it to public hearing and putting it as  
part of your Master Plan and move on to the next chapter which we will be housing.  
She also noted that we are finishing up the drafting for the Housing Opportunity grants  
that we have talked about in the past so that towns will be able to apply to do that  
Master Plan work and from that granting fund in January so I will have that for you in an  
upcoming meeting.

e. Policies and Procedures Manual

A.A. Doggett briefly discussed what he has done in the chapter and requested input.  
The Board can hold a public hearing on it the same night as the public hearing for the  
Land Use Chapter.

Planning Board Minutes December 13<sup>th</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. 24



f. Encumber funds for Adobe Pro

A.A. Doggett will very briefly discussed this matter with the Board

Mr. LaVoie **MOVED** to encumber the amount of \$240.00 to pay the annual subscription fee for Adobe Pro; Ms. White seconded the motion.

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

Mr. Moran-Aye, Ms. White-Aye, Mr. Marchand-Aye, Mr. Lavoy-Aye, Mr. Piper-Aye,  
the vote was **UNANIMOUS**

### 3. Adjourn

Chairman Moran adjourned the meeting 9:12PM with wishes for a Merry Christmas and a Happy New Year to all.

Respectfully Submitted,

James L. Doggett, A.A.  
Newton Planning Board

Planning Board Minutes December 13<sup>th</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. 25