



## Newton Planning Board

### Public Meeting Minutes

### December 17th, 2022



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

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

Via Zoom were Members Ms. White, Mr. Moran, and Ms. Collyer

Selectman Marchand led the salute to the Flag.

#### 1. Preliminary Review

Selectman Marchand read:

***Joseph & Dianne Enaire of 50 Pond Street request a non-binding Preliminary Consultation on a possible subdivision of their property. The property is referenced as Tax Map 5 Block 4 Lot 1.***

Mr. Marchand gave Mr. Quintal the floor.

Mr. Dennis Quintal (Principal, Civil Construction Management, applicant's agent) stated, I am a civil engineer I work in town here my office above the police station. They took a look at their property and were notified a while ago that their taxes were going up because the assessor deemed that they had land enough for a possible subdivision and so it would be taxable as such. They decided well perhaps we ought to prove that and so a year or so ago they hired a surveyor to survey the property to make sure they had enough land well as it turns out they do have enough land to create a separate lot and as you have seen here as you see here one lot is 66 000 square feet actually both lots of, and over 66 000 square feet so the next step would be to take a look at wetlands and see where the Wetland line is so I was asked at that point in time to flag the wetlands and most of the wetlands are in the back of the lot behind Pond Street the uplands who are pretty supposed to be pretty good soil according to the Soil Conservation service, being Windsor type 26a Windsor type soil we did test Pits on the lot that is proposed and found you can see the test pit data at the top to be Gravelly coarse sand and so, it is ideal for drainage purposes and so each lot has areas for their septic system Wells access from the roadway and so at that point in time we looked at

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trying to meet the requirements for the lot size by soil type so we hired go of environmental to conduct a high intensity soil map of the property and that is what the numbers 6 361bh, 411bh, and 511bh those are the soil types and at the bottom we did the calculations for being able to evaluate whether each of these Lots can meet a requirement for being a hundred percent having a hundred percent soil type so what we found out that the parent lot 5-4-1 comes out to be 0.9 90 percent of a lot and the proposed additional lot winds up being 0.83 83 percent of a lot so looking at it from that point of view we were wondering whether we should proceed or whether we should not proceed and we thought the best thing to do before we spend money on notifying a Butters and a whole new application and sending it for public hearing we did meet with Jennifer Rowden and talked to her about this and she suggested that we do what just what we are doing tonight is coming before the Board non-binding discussion and having a discussion about the possibility of submitting this application and seeing if it is worthwhile to do that with the understanding that we know we would have to submit a waiver for the lot size requirements if you drive down Pond Street you will find that their house at 50 Pond Street it is a beautiful home well maintained their intention is to build a home for their daughter in the near future and it would enhance the town to have a nice-looking lot and hopefully be able to get the waiver for the lot size by soil type so one of the other things that we have kind of done with the state I have done some septic designs down in in Marcoux's Grove / Country Pond area when we are looking for lot size calculations and receiving soil for septic systems we send a request along with our application for including the receiving soils that are basically, under the road in front of the lot so typically what we did we looked at the town roads and the Town Road right away it deals with the surface of the road and the drainage put the soil underneath the road is basically like a receiving soil for any water treatment whatever so we have been able to include that in our calculations for some of the applications we have done with the state so if we were to do that, we would get closer to the 100 percent lot area not that that it is not in your regulations and I understand that but we are talking about trying to obtain a waiver and I just do not really know what UF thoughts are on waivers for this type we do not really under understand or I do not think Jennifer can remember if this request for a waiver has been before you Board members in the in the past but perhaps a discussion again non-binding it would help us to be able to make a determination of whether to follow through with an application or not and that is really what we would like to talk about with you tonight and obviously we do not want to take a lot of your time but by all means your opinions are very important to us. thank you.

Mr. Marchand stated I am going to remind the Board that this is a conceptual review and that the Planning Board will not be voting on anything concerning this issue, it is for the prospective applicant to ask his questions before submitting the application so that being the case, I am going to ask Ms. Rowden if she has any comments at this point, that you would like to say to the Board and to the applicants.

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Ms. Rowden stated, I am going to start my comments with I actually do not have a copy of the proposal in front of me, but I did meet with Mr. Quintal and the property owners a couple of months ago and then I met with Dennis a few weeks ago about this the allots in question are very uniform in nature that honestly, they look like a house slot the only thing dimensionally is really that soil loading for septic systems I would never recommend granting this waiver without a condition that they get State approval, but they have to do that anyway for their septic permit you know it is a very close waiver, so it is not in my view unreasonable to consider the waiver if the application were to come before you everything else being equal. If this did not have that oil soil loading issue, a little bit this would be a very straightforward two lot subdivision procedurally. What they need to do is submit the waiver you would have to grant it this is a non-binding consultation so anything you discussed this evening has no impact on a future decision or a future Board but to my knowledge this waiver has never been asked of the Planning Board in the past 10 years I have been working with Newton but, that does not mean that it is not reasonable or unreasonable to grant one way or the other all right thanks Jen Dennis you have anything to say I think I pretty much covered it

Mr. Moran opined, I have no comments I think you know the applicant or future applicant has done their due diligence and honestly, I am quite happy with them doing everything before coming to us and asking our opinion, so I appreciate it.

Mr. Piper asked if we are talking hypotheticals here, if we deny them the waiver does that give them grounds to go to the assessor and say we cannot do the subdivision so...

Ms. Rowden stated if you were to deny the waiver the subdivision could not happen you could not approve the application because it would not be complete okay I cannot meet the regulation so it what the assessor does is a whole other process that honestly does not influence your decision, if they do get the waiver and they are successful in the subdivision then it is going to get subdivided go to the assessor and they will get taxed on the second lot.

Mr. Moran asked, based on Mr. Piper's question this is for you Ms. Rowden is our regulation is based on available soil mapping or is it based on in the field soil mapping.

Ms. Rowden replied, in the field.

Mr. Moran further asked Mr. Quintal what you were saying was based on available soil mapping just for point of clarification.

Mr. Quintal stated, we did have Gove Environmental do an on-site high intensity soil map and that is what lines define and that is what gives us the calculations it is based on on-site field work.

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Mr. Moran said, perfect, so this is based on actual field information not an estimate based on available mapping.

Mr. Piper asked my second question is for the applicant, if you would not mind coming to the podium just so that the public can hear you, do you wish your daughter to actually live here is this something that you are desiring, this is not a government forcing saying you need to conform to this standard and we are going to make you pay more, do it our way. This is what you want this

Ms. Enaire stated is what we want, we have been living on Pond Street for 28 years and our son just bought a house on Durgan Drive and our daughter lives with us. She is in nursing school, and she has always wanted to live in Newton and when you know we realize that maybe we might have a subdivide of a lot she would love nothing more than to live next door and build a house there. You know everything is so expensive for young people to buy a house and so for her to have an opportunity to have that land and you know that would save a bundle on the costs and thank you

Ms. White commented, I am just saying that there does not seem to be that much of a difference between what the upland is supposed to be and the amount that cannot quite reach that, so I am thinking in my mind that for them to ask for a waiver would be reasonable.

Mr. Guide asked if it is .07 difference between their lot and what this lot would be that is the difference. I am trying to read it right it is not cut and dry but like right for the existing lot it winds up being 0.9 right a lot so what does that mean 0.9 of a lot. They are already built they are 0.9 of a lot subdivided.

Mr. Quintal replied, the line could move a little bit to make that one 1.0 and the other one but if you drive down the road you look at this is not like it has wetlands in the front right from the street it all looks like Uplands you would not really know it the wetlands away in the back there is no impact the wetlands that would never be impact or wetlands here on the property so having the homes far enough away so there would not be any impacts the wetland is certainly a factor you have to consider as well right because if there was wavy lines like this then I would say you know I do not know there could be problems in the future but a case like this it is pretty uniform it is pretty straight right across.

Mr. Guide stated you can see that actually, the proposed is further away from the wetlands and it is.

Mr. Moran stated, my last comment is I would echo what Barbara said.

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Mr. LaVoie inquired, my one question is just in terms of the proposed structure, it would be just the single-family house there would not be as is on the other lot a separate garage.

Mr. Quintal replied, no.

Ms. Collyer stated, she would agree with what Ms. White said. It seems like a relatively minor waiver and a good and right thing to do so I would be inclined to think that it would be a good thing to go forward with

Mr. Marchand asked if the applicants had any questions.

Mr. Quintal stated, the input from the Planning Board is certainly important so we would hate to go through with a whole application, notify abutters, have the room full of abutters, and meet with the Planning Board only to have the Planning Board say why did not you come to us before for a discussion. This is a good way to do it, is a safe way to do it, and realistically this is what town Planning Board is for it is planning for the future. do you want a lot here would this make sense to have a lot here whatever your rules say, why did you come up with this calculations for lot size by soil type, is it a good thing? Why does it have to come up to 1.0, why is not it 0.9, why would not it be 1.1, I mean it just comes out to 1.0 and anything that is different you have to ask for a waiver no matter whatever any of the rules are you have to ask for a waiver if we do not quite make it. thank you.

Mr. Marchand stated thank you so much Mr. Quintal thank you for everything that you provided us. You are in good hands with Mr. Quintal, we will be looking forward to seeing you in the near future.

## **2. Board Business**

### **a. Acceptance of minutes of the 12/13/22 meeting**

Mr. LaVoie **MOVED** to accept the minutes of the 12/13/22 meeting with the removal of Mr. Guide as being present, Mr. Piper seconded the motion. A.A. Doggett commented that that was a scrivener's error, and he would take care of it.

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

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

### **b. Invest NH application**

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The Board had a healthy discussion led by Ms. Rowden on the grant application that she expects to bring to the Board in the ensuing month.

c. Update of the Land Use Chapter

Ms. Rowden discussed with the Board the status of the chapter and its potential completion.

d. Policies and Procedures Manual.

A.A. Doggett asked for some input on his proposed changes.

e. 2023 Meeting Schedule

Mr. Guide **MOVED** to adopt the 2023 meeting schedule: Ms., Collyer seconded the motion

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

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

f. Encumber funds for Adobe Pro

A.A. Doggett informed the Board that the Selectmen did not encumber the requested funds to pay for the annual subscription and that it would have to come from the following year's budget.

### 3. Adjourn

Selectman Marchand adjourned the meeting 7:48PM with wishes for a Happy New Year to all.

Respectfully Submitted,

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

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