



Newton Planning Board Public Meeting Minutes January 10th, 2023



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

Present were members: Mr. Moran, Mr. Marchand, Mr. Guide, Mr. LaVoie, and Mr. Piper

Also, Ms. Rowden - Circuit Rider.

Via Zoom were Members Ms. White and Ms. Collyer, Alternate Mary M. Allen, and James Doggett – PB AA

Chairman Moran led the salute to the Flag.

1. Public Hearings

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 stated to give a quick synopsis, this is for buildings that has already been constructed and the applicant is seeking to, in a very high-level, draw lines on a piece of paper to create a condo unit that can be purchased or leased off separately, so this is not a new building there is no real new proposed construction and there are a few outstanding issues that the applicant is looking to rectify or potentially rectify to bring the site into compliance. He then offered that applicant's agent the floor.

Barry Gier (Principal, Jones and Beach engineering, agent for the applicant) stated we are working through a couple of the issues, specifically the drainage and the retaining wall issues so at this time we would ask for a continuance to the next meeting.

Mr. Moran asked Ms. Rowden if she had any comments.

Ms. Rowden stated I don't, beyond what was presented the last time the applicant was here, and no new information has been supplied at this point I would want to clarify if they are asking for a continuance for two weeks from now or for a month from now, I don't know where you are with some of the items.

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Mr. Gier stated we would like to ask for a continuance for a month.

Mr. Moran added that would be on the 14th of February.

Mr. Marchand **MOVED** to grant the continuance of the public hearing to February 14th.
Mr. Lavoie seconded the motion.

Ms. Rowden called the roll.

Ms. White -Aye Ms. Collyer – Aye Mr. Marchand – Aye Mr. Piper– Aye– Mr. Guide
Aye– Mr. LaVoie – Aye Mr. Moran - Aye– The vote was **UNANIMOUS**.

Chairman Moran recessed the public hearing at 7:07PM.

Chairman Moran recalled the public hearing to order at 7:46PM and read:

2. 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 this application has been in front of us for a couple of months and at this point in time they have made a few or substantial number of revisions to the drawing set. They have made these revisions in response to feedback from the ZBA to move the project.

Barry Gier (Principal, Jones and Beach engineering, agent for the applicant) stated since the last meeting we did update the existing conditions we reviewed and revised the grading and drainage as required and updated the drainage report we also made revisions as requested by the town engineer which included improvements to Route 108 that are required by the traffic analysis and improvements on the entrance road; the retaining walls and the guard rails; we also updated the Puzzle Lane extension (that is the dead end road), so that the turnaround is off of the existing easement; we also revised building number three's height to meet the building height regulations; we were able to attend the ZBA meeting last week and the ZBA granted all the requested variances, so per the ZBA the project can now be constructed per the plans that the board has in front of it. DOT is still reviewing the DOT driveway application, but we have been assured that the DOT will work with the applicant to modify the current driveway permit. The AOT has been submitted or waiting for that review; and as a waiver regarding the hydrological study was denied at the last meeting, we have authorized the completion of the study; the study is underway

Mr. Moran asked if the applicant has a timeline of when you anticipate the hydrological study to be completed.

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Mr. Gier replied I do, that should be done in the next couple of weeks. However, I cannot comment on DOT, they are their own animal.

Ms. Rowden commented that she has a couple of items stated for updates. There is a note still related to Plaistow that continues to be on the plan set, that should be removed, about the need for Plaistow's approval; updating putting any variances that they received on the plan sets; that the hydrogeologic study does need to be complete to be compliant with your regulations. One item that I did speak with Town Engineer about, and I believe it was relayed to the applicant, is the request that they provide either information or commentary about any potential fill that needs to be brought onto the site, either from on-site or from outside the site, and how that may impact the hydrogeologic aspects of the site, and an additional thing is that there has been a new community water system applied for, through DES, that may not be showing up on DES's well page, that are just over on the Plaistow side of the property. I don't have any more specific information other than it is the Gunstock Water System on Gunstock Road and may have very little impact, but because it is so new it may not be triggering DES's one stop data, for the hydrogeological report, additional items, there are some items with the storm water that do seem to be more consistent with your regulations, but I would continue to recommend that regarding the roadway that goes over the gas line easement, that they get a letter from Unitil who actually owns the gas-line easement, stating that they have no concern with the roadway that goes over it; what is proposed, moving the turnaround off the easement will help in that. That is the extent of my comments, we did receive the updated information on January 5th so there was not a lot of review time. I would strongly recommend you have Mike Vignale review the updated plan set.

Mr. Moran asked if there were any comments from the board.

Ms. White commented on that note that Ms. Rowden had alluded to, besides the note that is on the cover page that same note, number 16 on sheet C2, which needs to come off, it appears on a handful of other sheets, just anywhere where it appears it should be removed.

Ms. Rowden stated that the applicant or Mr. Gier had stated at the last meeting that they're working with Plaistow to submit the application that they would need approval for Plaistow.

Mr. Gier stated, just to clarify that that was a note that they requested on the subdivision part when we attended Plaistow, so, I just carried that fourth when we go in front of Plaistow for this project then we can clarify if they want that or not.

Ms. Rowden responded with, based on past correspondence they are most likely going to want that removed.

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Ms. White asked; I read somewhere that the applicant is going to be going in front of Plaistow on January 18th, is that correct?

Mr. Gier replied, we didn't make that meeting so we will be going to the February meeting. We do not anticipate a whole lot to occur in Plaistow, there is no work proposed in Plaistow yet, so I assume it's going to be just a formality.

Mr. Moran stated, I have a couple questions on the drainage report. I took a look at it fairly briefly, and it appears that there are discrepancies between the drawings and portions of the drainage report specific to elevations in water drainage or volume of infiltration basins. I also had a question about a note in here, specifically an analysis point two and the report comments that there's a minor increase in the two and ten year I'm looking at the two-year flows and it's about 36 percent greater, the post flow is 36 greater than the pre-flow and totals up the two points of analysis which may be acceptable it may not be acceptable depending on the final discharge. Professionally my experience is that DES is going to comment, and you cannot just add two points of analysis to justify that the post flows have reduced, I think some additional justification needs to be added to that or clarified so that we have a better understanding. I guess my concern is specifically on other projects in the community that abutters have concerns about flooding. It appears that the back end supporting material is generally consistent I have not dived into this well but we are going to have the opportunity. The groundwater recharge volume calculation tables have not been updated; they were printed in September while the back end was done in December.

Mr. Gier stated he would definitely check into that.

Mr. Moran asked, can you discuss some of the reductions that have been made for impacts or pulling back, like reductions in disturbance or revisions to the drawings that were made specifically to address comments from the ZBA.

Mr. Gier replied, flipping to sheet three to give you a better overall view of what happened is basically the whole project squeezed in from the exterior and the wetland bluffer impacts have been reduced to nil the only wetland buffer impacts or wetland impacts are associated with the roads, so we still have wetland impacts and wetland buffer impacts associated with the road coming in from route 108. We've reduced all the other impacts except one for Puzzle Lane when we go over the which is the one up by the turnaround me talking about so then we have an impact associated with the crossing at the weapon going to the Puzzle Lane Extension dead end so other than that all of the wetland impacts that were previously shown for any of the grading and drainage have been removed. The setbacks for structure is a 200-foot structure setback so we had the only relief that was granted by the zoning board for the structural impacts was for the entrance road and those items associated with the entrance road such as retaining walls, guard rails, signs, and anything of that nature, we have not asked for any additional relief beyond that for the 200-foot setback. so, everything is set back

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greater than 200 feet except for the entrance road where we only have a 50 foot right away to actually access the property.

Ms. White informed the Board that they had discussed the public hearings inverted, the present discussion should have been under the first public hearing of the night and the earlier motion to continue was for the lot presently being discussed.

The Board discussed the situation and rescinded its earlier motion

Mr. Marchand moved to continue the public hearing on lot 4-1-27-4 to February 14th, 2023; Mr. LaVoie seconded the motion.

Ms. Rowden called the roll.

Ms. White -Aye Ms. Collyer – Aye Mr. Marchand – Aye Mr. Piper– Aye– Mr. Guide
Aye– Mr. LaVoie – Aye Mr. Moran - Aye– The vote was **UNANIMOUS**.

Mr. Moran stated, I apologize for the confusion on my part. It is a bit confusing because you have the same applicant on a project with four buildings on each project separated by one tax number. He continued, you were discussing reductions in area and impacts and pulling the buildings in to for Lot 27 3.

Mr. Gier stated correct, we've reduced our wetland impact to 3,637 square feet all of it for the roadway access and our buffer impact to 50,406 square feet. The vast majority of it is for the roadway impact.

Mr. Moran stated I don't have any more comments at this point in time.

Mr. LaVoie commented that he has concerns about how we're regulating the fill in particular I know that Jennifer mentioned that how like looking into how that may impact the site, so I guess I more have a question about how is that regulated in the state and then how it's used ultimately do we have Mike Vignale review that or how does that work.

Ms. Rowden replied that the Board should certainly have Mike Vignale review it will be more fruitful I think when you get your hydrogeologic report which as well is why I asked the comments about it as far as the quantity of that is something you can ask the applicant to address there are a couple of ways of dealing with that but the ultimate amount is they are giving you the elevations that they propose the final site to be versus what it is now.

Mr. LaVoie stated that he just wants the fill to be clean, that is my biggest concern and how are we going to ensure that that is the case.

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Mr. Gier stated that majority of it is coming from sight, it's not I mean they do have concrete that they crush and they use for fill which is clean and the stuff that they bring in is regulated by the state that it has to be clean you can't bring you know contaminated soils onto the site but the vast majority of it is going to be from the site and the road is on fill but the majority of the buildings the parking areas that is just you know kind of reshaping what's already out there.

Mr. Moran asked do you have an idea of the cut fill, are we talking like ten thousand fifty thousand.

Mr. Gier stated I don't have that number, but I can get it for you.

Mr. Moran continued, I mean obviously the just quickly look at the road it's fill, but then there's other, there's some decent cuts you're pulling out a lot out of the basins like it's a big site too like you can lose a lot of material or need a lot of material pretty quickly.

Mr. Gier replied, correct, in the back corner of it there's a lot that can be taken out of the site and even the back corner of we're building two sets there's a lot of fill that can come out of that as well. It looks a little you know small I remember it's 146-acre site so it's imperatively the buildings are very large

Ms. White, one of the things that we had asked for previously was sign detail is that in this new plan because I wasn't finding it.

Mr. Gier replied there are a few signs located on sheet D2 Barbara and it's very similar to the existing sign on at Puzzle Lane it's basically a low wall mounted sign.

Mr. Moran stated there is a stop sign detail and a few other that is in the DOT sections. He inquired have you or has the applicant prepared any opinion on what it will cost for like roadway construction or major milestones or anything.

Mr. Gier asked if he was looking for a cost for the roadway.

Mr. Moran continued ...and a few other like major items just in case we were looking for just to make sure the project was done if there was an interest in bonding any of this, I'm trying to get it ahead of you now so it if it does come up that we don't have to continue this for another hearing.

Mr. Gier answered yes if the board is interest in potentially bonding some of the items, then we should have an idea of what those would be now they have done quantity takeoffs and pricing takeoffs but not specifically for specific items I should say.

Mr. Moran stated I would like to see what you were the year was the applicant what would anticipate, major milestones probably, not inclusive of the buildings, major site Civil Work, I'm not sure if anybody else on the board wants the same information.

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Ms. Rowden stated that that bonding detail is actually require in your regulations as well given the scale of this project one thing that the Planning Board can define is what is considered substantial completion of the project. If they get to the point of an approval and what that does is it grandfathers them if they have reached substantial completion within two years, it grandfathers them from zoning changes for up to five years so you can Define what that is it's typically your basic site work not necessarily construction of the building but that is just something to keep in mind that would be a pretty typical.

Mr. Moran added by grandfathered, meaning that if there's a change in the zoning ordinances they're allowed to continue to proceed as approved okay so it not only protects the town it potentially protects the applicant as well.

Ms. Rowden added that is only if there were to be a zoning change that impacted them. I don't anticipate anything specifically but it's good to define it at in a conditional approval stage.

Mr. Moran stated I'm just going to pick something, the no disturb setback change from 200 feet, if it went to like 300 feet, I could still continue with 200 feet.

Ms. Rowden stated yes, one other thought logistically I do recommend getting your town engineer to review the current plan set you may also want to have him review the hydrogeologic report such as the timing of when that might be received to allow him enough time to then review it what that might mean for any continuance.

Ms. White stated I'm not sure whether the board wants to entertain bonding for any of the landscaping before we say okay to this project.

Ms. Rowden replied that you typically would want to have some landscaping bond as part of it but I don't think that at this point you need to if it's something you might want and they can provide it great.

Mr. Moran stated, I would agree with Ms. White, my thought is that they would provide a spreadsheet of items that they would anticipate should be bonded then KV Partners can review and provide their input on. and great thank you saying like I don't know the road infiltration basins of Version Control and I'm just picking up a couple things and maybe seating site stabilization maybe they provide that and KV Partner says oh you forgot guardrail and we would recommend adding that or tree plantings because they do have a few trees, but I would agree. For continuations I think it's going to take KV partners a week or two to dig into this should we just continue to February 14th again, so we have them both on the same night. We can do I don't know how fast the hydro-geologic report will be ready.

Mr. Gier commented when you say weeks is that two weeks or is that four weeks so we're expecting it in a couple weeks but that could extend but I would we would request

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that it be extended or continue to the 14th of February and hopefully at that time we have more information for you we will have more information whether we have the hydrogeological study or not will be a question.

Mr. Marchand asked if they would be able to have the information about those bonds. Ms. White opined that she wanted to strongly recommend that on the bonds that we ask for cash bonding rather than letters of credit we don't really take letters of credit anymore for bonding.

Mr. Moran stated I would agree it they tend to work a little bit better if needed hopefully not but... I would agree with you, Barbara, thank you for that comment.

Coleman McDonald (applicant) I'm the owner, you might want to you know run that by Town Council that last comment. It's illegal to take a cash bond, a letter of credit from a bank is accepted by any town or city in the state of New Hampshire and I think you'll find that that Sumner Kalman will advise you on that.

Ms. Rowden replied that the town should go with whatever the town's policy is for accepting letters of credit, bonds, or sureties.

Mr. McDonough interrupted to say, which is Jen a letter of credit and they've always accepted a letter of credit from a credible banker institution financial institution.

Mr. Moran intervened and stated that he will chat with the Town Council and they can recommend to us on the town's policies and legal responsibilities are rights.

Mr. Marchand MOVED to continue this to February 14th for tax map 14 block 1 lot 27-3; and that the applicant supply bonding estimates; seconded by Mr. Guide

Ms. Rowden called the roll.

Ms. White -Aye Ms. Collyer – Aye Mr. Marchand – Aye Mr. Piper– Aye– Mr. Guide
Aye– Mr. LaVoie – Aye Mr. Moran - Aye– The vote was **UNANIMOUS**.

2. Board Business

a. Acceptance of minutes of the 12/27/22 meeting

Mr. Marchand **MOVED** to accept the minutes of the 11/9/22 meeting, with the date to be corrected and to change that Ms. Rowden attended virtually. Mr. LaVoie seconded the motion.

Ms. Rowden called the roll.

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Ms. White -Aye Ms. Collyer – Aye Mr. Marchand – Aye Mr. Piper– Aye– Mr. Guide
Aye– Mr. LaVoie – Aye Mr. Moran - Aye– The vote was **UNANIMOUS**.

NPREA Manifests

Ms. White **MOVED** to pay the NPREA Manifest in the amount of \$1260.20
Mr. Guide seconded the motion.

Ms. Rowden called the roll.

Ms. White -Aye Ms. Collyer – Aye Mr. Marchand – Aye Mr. Piper– Aye
Mr. Guide Aye– Mr. LaVoie – Aye Mr. Moran - Aye– The vote was **UNANIMOUS**.

b. Update of the C.I.P.

Mr. Piper stated our Town Administrator has prepared a comprehensive report and it should be in front of the Board, possibly at the next meeting.

c. Land Use Chapter.

Ms. Rowden stated she had made the minor corrections needed and unless anyone was suggesting changes it was ready to be voted to take to a public hearing.

Mr. Guide **MOVED** to take the Land Use Chapter to a public hearing on February 14th, 2023, at 6:30; Mr. Marchand seconded the motion.

Ms. Rowden called the roll.

Ms. White -Aye Ms. Collyer – Aye Mr. Marchand – Aye Mr. Piper– Aye
Mr. Guide Aye– Mr. LaVoie – Aye Mr. Moran - Aye– The vote was **UNANIMOUS**.

d. 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.

After a healthy discussion the Board agreed to hold the public hearing for the manual changes immediately following the public hearing for the Land Use chapter.

Mr. Moran brought up the timeliness of putting the videos on the website as he had received complaints that they were not available on the website. A.A. Doggett stated he tried to get them on the site within a couple of days of the meeting.

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Mr. Guide brought up that there were members of the public who were present at the meeting and that they had not been invited to make comments. The Board discussed the issue at length and the Chair will endeavor to give everyone a chance to speak in the future.

3. Adjourn

Chairman Moran adjourned the meeting 8:05PM.

Respectfully Submitted,

James L. Doggett, A.A.
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