



Newton Planning Board

Public Meeting Minutes

February 14th, 2023



The Newton Planning Board public meeting was called to order at: 6:30PM

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

Also, Ms. Rowden - Circuit Rider and James Doggett – PB AA

Via Zoom were Members Ms. White and Ms. Collyer.

Chairman Moran led the salute to the Flag.

1. Public Hearings

Chairman Moran opened the public hearing at 6:31PM and read the following:

A public hearing on the updated Land Use chapter of the Master Plan

Ms. Rowden explained the methodologies used to create the revised chapter and how it would be used.

Mr. Guide **MOVED** to adopt the Land Use Chapter of the Master Plan; Mr. Piper seconded the motion.

Chairman Moran opened the floor for public input. There was none.

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

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

Chairman Moran Closed the public hearing at 6:42PM.

2. Chairman Moran opened the public hearing at 6:42PM and read the following:

A public hearing on the updated Capital Improvement Plan.

Mr. Piper presented the C.I.P. background information and final document for adoption.

Mr. Marchand **MOVED** to adopt the Capital Improvement Plan; Mr. Guide seconded the motion.

Chairman Moran opened the floor for public input.

Mr. Fitzpatrick questioned if this would be an advisory document or if it were binding on the Town.

He was informed it was advisory only.

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

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

Chairman Moran Closed the public hearing at 6:54PM.

3. Chairman Moran opened the public hearing at 6:54PM and read the following:

A public hearing on the updated Policies and Procedures Manual.

A.A. Doggett apprised the board of the updates and corrections to the document.

Mr. Marchand **MOVED** to adopt the updated Policies and Procedure Manual; Mr. Piper seconded the motion.

Chairman Moran opened the floor for public comment. There was none.

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

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

Chairman Moran Closed the public hearing at 7:02PM.

4. Chairman Moran opened the public hearing at 7:02PM and read the following:

Joseph and Dianne Enaire request a public hearing for a 2-Lot Subdivision at 50 Pond Street, Newton NH. The property is referenced as Tax Map 5, Block4, Lot1.

Mr. Moran asked Mr. Quintal to present his application.

Mr. Quintal said, The Enaires are here tonight, they have owned their property, for a long time, on Pond Street and they are looking to possibly do a subdivision. A while ago they hired a surveyor and found that they were able to get at least 60 000 square feet

per for two lots and so they had land enough and then they asked me to look into doing further work to see about doing a subdivision. We identified the edge of wetlands which is across the back of the property. We looked at setback requirements to see if we could meet the setback requirements for a proposed house and as you can see on the plan we show where a proposed lot line would go, we show a house that basically sits back over 70 feet from the center line of the road which meets that requirement we did test pits and did within a 4 000 square foot area show a well a house and proposed driveway, we did a topographic survey and that information is on sheet one and two so we then contacted Jim Gove from in Gove Environmental Services to conduct a high intensity soil map and as you can see on sheet two we wound up with each lot having decent soils but not quite enough soils. You may recall we were at this planning board meeting a while ago and we were looking at the possibility of getting a waiver from the lot size by soil type requirements so the lot where the existing house is winds up being 0.9 Lots according to soil type and the proposed lot would be 0.83. I prepared a waiver request and made an amendment to that. I will read that request: According to subdivision regulations section 8.3.3, minimum lot size is clearly shown on the plans all wetlands are contiguous along the rear of the property the uplands are contiguous along the front of the property. These are unique conditions these uplands vary in depth from 110 feet to 140 feet from the street and the upland NRCS soil type is Windsor loamy sand, which is a good soil type the high intensity map by Gove Environmental has identified this Upland soil to require a minimum of 45 for 44 500 square feet per lot, it is ideal for development. The proposed lot is 0.9 of this amount and lot 4-1-1 is 0.83 of this amount as there is ample space for driveway house well and septic. There is no need for encroachment onto the other wetlands, therefore in this case we feel that is a reasonable request to ask for a waiver. The only change that I've done to the plan is that it was brought to my attention by Mr. Doggett at that one of the abutting lot lines in the rear was not in the right location so we have made that change as you can see on this plan, we just moved it over here

Mr. Moran asked for Ms. Rowden's input.

Ms. Rowden opined that if the Board grants the waiver request, then the application would be complete. She further stated that the waiver request was a just cause of action.

Mr. Marchand **MOVED** to find the application complete and to take jurisdiction: Mr. Guide seconded the motion.

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

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

Waiver request:

8.3 LOT SHAPE AND SIZE REGULATIONS

8.3.3 Minimum Lot Sizes

In the absence of municipal water or sewerage facilities, minimum lot sizes within all subdivisions shall, in addition to meeting the requirements of the Zoning Ordinance for the district wherein the subdivision is proposed, also meet the lot size requirements specified in Table 8.3.6, "Minimum Lot Size by Soil Classification." Any lot that is required to be oversized, by a decision of the Board, due to geological aspects, including but not limited to wetlands or other geographic irregularities, as proposed on a plan set will have a notation added as well as to the deed.

Mr. Guide MOVED to grant/deny the waiver request; Ms. White seconded the motion.

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

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

Mr. Moran opened the floor for Public Comment, there was none.

The Board found the following facts concerning the application:

1. That with the granting of the waiver the application conformed with Newton's Zoning and Subdivision Regulations.

MOVED to approve / Deny the application with / without prejudice with the following conditions / for the following reasons:

1. Set the bounds.
2. Supply recordable Mylars
3. Supply copies of the new deeds to the Assessor

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

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

Chairman Moran Closed the public hearing at 6:42PM.

Chairman Moran opened the public hearing at 6:42PM and read the following:

5. **A continuation of 125 Development NH Corp of Plaistow, NH's, request for a public hearing for a 4-building 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 that if**

the Planning does not receive a request to continue the Board would have to make a decision that evening.

Mr. Moran turned the floor over to Mr. Gier.

Barry Gier (Principal, Jones and Beach Engineers) stated we will be asking for continuance tonight. I wanted to update the board on what we've done since the last time we've met we did update the drainage calculations and a discussion was provided in the letter the update letter kind of pointing out the discussion that we had last time we are in contact with the gas company and are working with them on the crossing agreement it's more just paperwork that has to be completed they're all fine with what's going on we also provided a bond estimate I haven't heard back from the town engineer regarding his input on the bond estimate but that'll have to be done before we're finished we also provided the cut and fill quantities we're still working on with DOT on the access they have we have been assured that the access at the proposed location will be granted we're just working out the details on what the mitigation is going to be the widening of the lane on 108. the hydrological study is underway it should be completed within the next week or so unfortunately they didn't get it done before we could submit for tonight's meeting and lastly we have submitted the site plans to Plaistow and are to be heard tomorrow night so I'll be happy to take any questions the board has but we will be asking for a continuance.

Mr. Moran asked Ms. Rowden for input.

Ms. Rowden stated that if the new hydrogeologic study is not in by next week, it needs to be, to ensure that Mike (Vignale) would have enough time to be able to review it so I could see it being very tight even if some review can be done for the next meeting.

Mr. Gier stated that they recognize that, and we also understand if the board has to continue it.

Mr. Moran opened the floor for public comment, there was none.

The Board discussed possible dates for the continuance.

Mr. Marchand Moved to continue the public hearing to February 28th, 2023, Ms. White seconded the motion.

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

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

Chairman Moran closed / recessed the public hearing at 7:10PM.

Chairman Moran opened the public hearing at 7:11PM and read the following:

6. 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 invited the applicant to speak.

Mr. Gier stated we would request continuance for this project to the next meeting we are looking at the items that the board asked the applicant to address and should have all that information ready at least for review before the next meeting. The major things was the drainage because a couple of the drainage ponds that were shown on the original site plan did not get built, so what my firm has been tasked by the applicant to do is to determine if what was built is sufficient and if not come up with a solution to the drainage to match what was approved. There are a couple other minor things, one which was the review of the retaining wall as well I think there was some landscape issues as well.

Mr. Moran asked for Ms. Rowden's input.

Ms. Rowden had not received any updated information, so she had no new comments.

Ms. Collyer asked about a compliance report from the Building Inspector/Code Enforcement. The Board discussed the situation.

Mr. Moran opened the floor for public comment and read a letter from Larry Corcoran of Sargent Wood inquiring about the landscaping that should have been done along the boundary with Sargent Woods but never happened.

Mr. Fitzpatrick of Walnut Farm Road also had issues with the landscaping that was never installed near his boundary and the need to plant soon as the ideal planting season will soon be past.

The Board discussed the landscaping, their power to enforce the original site plan and who is responsible for oversight, and the possibility of requiring a bond going forward.

Nancy Kozlowski of Wood lawn road asked about the lighting, she stated the present lights shine in her windows and that the fixtures used were not what was on the site plan. She also had issues with trucks idling all night.

The Board discussed the lighting and suggested she document it and bring it to Code Enforcement's attention.

Ms. Rowden reminded the Board that light is not supposed to leave the property it shines on.

Mr. Marchand Moved to continue the public hearing to February 28th, 2023, Mr. Guide seconded the motion.

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

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

Mr. Moran recessed the public hearing at 7:31PM.

2. Board Business

a. Acceptance of minutes of the 1/24/23 meeting

Mr. Marchand **MOVED** to accept the minutes: Ms. White seconded the motion.

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

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

b. NPREA Manifest

Mr. Guide **MOVED** to pay the NPREA Manifest in the amount of \$ **617.24**.
Mr. Marchand seconded the motion.

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

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

c. Update on the HOP grants

MOVED to Authorize the Chair to sign the grant contract on behalf of the Town;
seconded the motion.

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

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

2. Adjourn.

Mr. Moran adjourned the meeting at 8:03PM.

Respectfully Submitted,

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