



Newton Planning Board

Public Meeting Minutes

June 13th, 2023



The Newton Planning Board public meeting was called to order at: 7:00PM

Present were Mr. Moran, Mr. Marchand, Mr. Eddy, Ms. Eddy, and Mr. Ryan

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

Present via Zoom, Ms. White .

Chairman Moran led the salute to the Flag.

1. Public Hearings

- 1. M. Ryan Norman Of Newton NH requests a Design Review for a 7-lot Subdivision 17 Thornell Road in Newton, NH. The properties are referenced as Tax Map 12, block 1 Lots 4 & 4-3.***

Chairman Moran opened the public hearing at 7:01PM and stated that the applicant has requested a continuance.

Mr. Marchand **Moved** to continue the public Hearing to June 27th, 2023, Mr. Ryan seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Eddy - Aye

Mr. Moran - Aye

The vote was **UNANIMOUS**.

Chairman Moran recessed the public hearing at 7:02PM

- 2. Terex USA, LLC, of Westport, CT requests a Public Hearing on an Amended Site Plan for 22 Whittier Street, Newton, NH. The lot is referenced as Tax Map 6, Block 13, Lot 2.***

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

Ms. Rowden stated that the application was complete.

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Mr. Ryan **Moved** to find the application complete and to take jurisdiction, Ms. White seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Eddy - Aye

Mr. Moran - Aye

The vote was **UNANIMOUS**.

Mr. Moran opened the public hearing at 7:03PM.

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

Mike Sievert (Horizons Engineering representing Terex LLC) introduced Michael Goutier Plant Manager of CBI in Newton and stated that if There are questions that I cannot answer about the specific operation or happens in the building and so forth then I will let Michael do that. So, you have the plans in front of you, so we have an existing conditions plan it is a quite a large parcel and they also obviously have an operation. out there that you already know about, and that building is shown on the southerly side of the plan and the proposal in front of you this evening is to add the 50-foot wide by 300-foot-long metal frame building and a pre-engineered building and the work that will be done inside that. building is moving the sandblasting and the painting over to that building and so, the flow of work on the equipment will be it will start out in the large building move out to the I guess the west and then come in the westerly end. or northwesterly end of the building and then move through the building. sun in a southerly direction and then come back out of that long narrow. building the new building and then go back into the big building for the final processing through and then out again to the northwest in that back area to be tested and then shipped out of the site from that point like right there I believe that the some of this operation happens in the big building now and running out of space and so the reason for this is to move the part of this process into the other building. We try to put it parallel to that building and close to keep that circulation working there. We ended up putting a gravel road to go around the building just in case of emergency vehicles and so forth, so they can circle all the way around the building but mainly that would not really be used. that road to the northerly side of the building and then because of the grades There is an existing culvert that goes kind of between the what will now be between the two buildings and because of the grades and the access road going up into that building on the north westerly end we are adding a catch basin to that system because we are going to trap water in there and then it will continue out through into the wetland area where it already goes now and then a new pond is added on the northerly side of the building to collect all the runoff from the new impervious area and that outlets to that same wetland across to the westerly side. This this building will be tied into electrical and water from the existing building, but it will have its own, new, septic system out to the north-northwest corner. There are employees working in this building less than five so there will just be a small

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bathroom in there. I have not designed that septic system yet. I have been kind of waiting until we get here, but just a minimum 300 gallon per day septic system will be designed for that. We already made all the changes to the plans that the Town Engineer requested. The first one that I think talking about the turn and getting around the building on that gravel drive that we have for emergency vehicles to go back there. Our responses: I believe it is this little tight turn at the very southerly end there and our intent was just to provide that access if necessary to go around there. People would not really be utilizing that access. I could flare that access out of the gravel road to the new paved access road coming out of the southerly end to make that a little bit more accessible there. I was trying to be careful to stay out of that wetland setback right there and that is why we kind of tried to keep it so tight, but I can try to widen that out a little bit and that is how we were going to respond to him. On the test pit information. there is not any tested information on the plan I did do a test pit for the septic it is very close to the detention pond there, so I do not know if we necessarily need to do another one, the water table is about five and a half feet deep so there are no problem for the leech field. Of course, it is a sandy material like a sandy loam material, and so up where that detention pond is, and it is an extended wet detention mount so the very bottom of it will be wet and that it will be very close to the water table. we do have a liner called out there and I have been not sure we'd necessarily need it because the water table is going to be really close there so that would keep it wet. We can kind of address that and let him know whether or not we are going to keep that in there' but he was asking if there was any testing information which I will provide to you. He, the engineer, was asking about. I guess there was a stone emergency spillway referenced in there and I think it has been removed and the emergency spillway is the graded Inlet of the outlook control structure of that pond. That is how that will be set, other calculations for the exfiltration he was concerned that we were using exfiltration but had a liner in there and what we were saying was that only the pervious area above the liner would be used for the infiltration. We have revised the calculations for that pond which has a fairly minimal infiltration anyway and it really did not change the model. We meet the requirements or exceed the requirements for meeting the lessening runoff from the new site and it is still the same or slightly greater. even that we made it There are a question about the two inch. PVC pipe and on the if you look on, 302 there is a two-inch pipe that that is part of the inlet. It is a low Inlet so if the pond is working in a in a low storm that low Inlet would take the water out of there right down towards the bottom, or the top of the wet area that is going to stay wet. If water comes in a small storm it takes it out, that was modeled as an orifice and not a pipe and so it is just a little bit different hydraulics between a two-and-a-half-foot pipe and an orifice that is right in the side of the structure. We have re-modeled that in in hydrocat to make that pipe, and no change to the to that drainage analysis and there were some elevations that needed to be changed or updated between the plan and the hydrocat model so that is been done. Then there is catch basin that is like in between the buildings, not the one in the pond but the one we are kind of putting in a liner to collect the water that we are going to be ponding right there. Because of the grades the way he designed it was to put the drain

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over top of it and just cut into the pipe and tie in, I do not really like that idea so we are just going to change it into a catch basin with a sump and it will meet your requirements so that is what we have done. I think the number eight says there is an existing catch basin on the site but I think the confusion is that that might have gotten left on that catch basin that we are actually calling out as a proposed characteristic, so I will clarify that to the engineer and say there is no change there. We have obviously recycled some of these stormwater reports and we had one that said Rye, New Hampshire so we will change that to Newton. We have done all of that information and we have the plans ready to go and I will get them back to the engineer even tomorrow probably or to the town tomorrow.

A.A. Doggett stated it appeared the Town Engineer may have received the document that I did not. The Town Engineer says it appeared that they have addressed everything, I asked him if that constituted his clean letter. I have not heard a response from him, that is why on my recommendations is specifically to have a clean letter from the Town Engineer.

Mr. Moran stated I see you are requesting that Mike Vignale provide a letter saying that his comments have been addressed.

Ms. Rowden opined that typically if there are relatively minor tweaks that need to be made to a plan set that are like specific engineering things that do not have big changes on the plan the board has in the past been okay with approving a conditional approval with a clean letter from the town engineer which basically means all the issues have been addressed to his satisfaction. that is it is not uncommon to do this may be a very applicable case to do that unless there are other concerns of the board or any of the abutters that may be present.

Mr. Moran continued I mean generally in my opinion, first off, I appreciate a thorough clean set of drawings we have not had the opportunity to look at many of these, so I think it allowed our engineer to actually review. He actually got into the drainage analysis and reviewed and provided him fairly detailed comments. At least, in my opinion, the difference between a two-inch PVC pipe and the two-inch orifice is not going to change anything and I understand why this is not going to DES, it is under 100 000 square feet so you do not need an AOT. He did go through and do a fairly detailed analysis or review of the drainage which is nice because the State is not going to do it so that is my comments on that I have been not sure if anybody else on the board has any other comments or questions before we open up to the public.

A.A. Doggett stated you did not receive in your Board packets, and I did receive for the file the maintenance of the stormwater program.

Mr. Ryan inquired about the hours of operation for this building.

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Mr. Goutier stated our normal hours of operation are Monday through Thursdays about five to three we do leave Friday open for when we are behind, and we need a little overtime to play catch up so the hours would be historically five to noon on Fridays but that would typically be it.

Mr. Moran asked, you are not changing, you are not proposing to change any of your operations or like your hours .

Mr. Goutier stated our hours of operation are remaining the same.

Mr. Moran continued this is just expanding your facility or allowing you to increase production.

Mr. Goutier stated this is one of the key drivers of this whole entire project. Right now, we actually blast outside in a tent, so the worker who does that during 110-degree day is wearing a full suit and it is probably the worst job in all of New Hampshire to do on a hot summer day. One of the main reasons we started this project was, two things, one getting that worker indoors into a climate-controlled environment that is reasonable to work. I am not going to sit here and tell you that we do not have the benefits of retaining employees. The second thing is just the environmental initiatives that we have had we have blast sand kind of blowing around the site, it is everywhere, it is covering everything, So with this we have recovered the media again there was benefits to the business. We get to reuse the media which financially is great but it gets all that out of the air and it gets all that off the ground, so nothing is changing as far as our normal operation goes it is just moving from one location to a cleaner, newer, better, location

Mr. Marchand commented that being in the building there will be no noise.

Mr. Goutier stated of course because that will keep it all controlled within the building that we are proposing to construct, there is going to be a blast booth, fully self-contained and then a paint booth at a later date if we can get the finances to do it right after that.

Mr. Moran stated those operations are currently done outside so you are going from...

Mr. Goutier corrected that blasting is done outside, painting is done inside right now in our current production facility. That would remove painting out of that building and move it into this building is a self-contained blast and paint facility.

Mr. Ryan stated from a noise standpoint at 5am it would be quieter there because the process would be going on inside of a building.

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Mr. Goutier stated right now we are at about a hundred and something decibels when you are in proximity to that area, and we project it to almost be nothing outside of the building.

Mr. Ryan stated that is a massive difference.

Mr. Moran opened the floor for Public Comment.

Nancy Slumbo (24 Whittier Street, abutter) I have lived there for 32 years they have been a great company. I just have two things; did they get an intent to cut trees?

Mr. Goutier stated we did not.

Ms. Slumbo continued that is a No-No just thought I would tell you you needed intent to cut you have cut for two days okay. There are another thing, I mean you have been a great company, there is a pipe that is not on your plan that takes the water from Whittier Street down through your facility and it dumps it out into Gussie's Brook. You added a pipe, you did not connect to that pipe when you added the pipe, I do not know how many years ago, 15 years ago, you added a pipe you did not connect it to that pipe. The end of that pipe is crushed. I have been going out there with a shovel, have been trying to get it opened because otherwise I will be flooded.

Mr. Sievert stated that is easy enough and the scheme of all this construction if we can help the drainage and manage what is existing, we have no problem fixing that.

Billy Johnson (no address given, abutter) stated I can't tell by the elevation but does all the water finally find its way down to the little what do you want to call it River or it is not a river it is a it is probably runoff because is all the water find this way down there does all the water find its way down to this and what they're building.

Ms. Rowden stated I think generally it does eventually get down to there.

Mr. Moran stated just look at the outlet protection the invert 122. It generally drains into that wetland area.

Mr. Johnson stated that the thing is that is what I want to find out if as long as it doesn't make it more wet because if I decide to develop it and they make it more wet and I have a lot more problems development.

Mr. Moran replied that based on the analysis that the applicant provided the existing condition runoff or the when we rephrase that the proposed condition runoff is equal to or less than the existing, they have represented based on hydraulic and drainage calculations that the flows will not increase. There are at least in my opinion a minor

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increase in impervious area, and they are proposing a detention basin and some catch basins to mitigate or to meter that flow out to where it previously went.

Mr. Johnson stated I just wanted to make sure that I've done work for these people before years ago so I just nothing against them I just wanted to make sure that it does not do anything to my plot of land.

Mr. Moran stated that is one of the requirements, which is why we have the stormwater regulations of the community and larger projects that are about 25 larger than this are required to go to the state for their review as well. This is just a little bit lower than that threshold so but it is something that they've reviewed.

Mr. Moran asked Ms. Rowden for her input. She had no more input that this is a fairly straightforward application.

Mr. Moran asked the Board if they had questions for the applicant. They did not.

Mr. Moran closed the public hearing at 7:33PM.

The Board entered deliberations.

The Board reviewed the recommendations from A.A. Doggett. Mr. Marchand added one item about addressing Ms. Slumbo's concerns.

Mr. Marchand **MOVED** to conditionally approve the application with the following facts and conditions:

The Board found the following facts concerning the application:

1. **That the plan falls within the scope of the applicable Zoning and Site Plan regulations for an Amended Site Plan.**
2. **The plan shows a proactive attempt to mitigate any environmental issues that could be on the site.**
3. **That Justice would be served by approving the application.**

Conditions Precedent:

1. **Obtain all Federal, State, and local permits.**
2. **Meet all Public Health and Safety Codes.**
3. **A "clean" letter from the Town Engineer.**
4. **Supply recordable Mylars.**
5. **Mylars must have all necessary professional stamps.**
6. **Any State permits shall be listed on the cover or 1st recorded sheet of the Mylars.**
7. **Conditions Subsequent and/or Ongoing shall be listed on the cover or 1st recorded sheet of the Mylars.**

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8. Address the abutter's concerns regarding the drainage pipe exiting at Gussie's.

Conditions Subsequent:

1. All construction and landscaping shall be in accordance with the recorded site plans. Any changes will need to be approved by the Planning Board through an Amended Site Plan application.
2. Construction/Site work inspections shall be conducted by the Town Engineer.
3. Copies of all as-built plans, including the constructed stormwater management system, shall be provided to the Planning Board.
4. The NPREA account must be maintained to cover the costs of the Town Engineer's inspections until the Town Engineer states in writing that the project is complete.

Conditions Ongoing

1. All hazardous or regulated substances on site be handled, stored, and disposed of consistent with local, State, and Federal requirements.
2. No idling of vehicles between 7:00PM and 7:30AM.

Ms. White seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Eddy - Aye
Mr. Moran - Aye The vote was **UNANIMOUS**.

2. Board Business

- a. Acceptance of minutes of the 5/23/23 meeting

Ms. White **MOVED** to accept the minutes of 5/23/23, Mr. Marchand seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Eddy - Aye
Mr. Moran - Aye The vote was **UNANIMOUS**.

- b. NPREA Manifests

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Mr. Marchand **MOVED** to pay the NPREA Manifest in the amount of **\$416.25**, Ms. Eddy seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Eddy - Aye

Mr. Moran - Aye

The vote was **UNANIMOUS**.

Mr. Marchand **MOVED** to pay the NPREA Processing Fee Manifest in the amount of **\$7.50** Ms. White seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Eddy - Aye

Mr. Moran - Aye

The vote was **UNANIMOUS**.

Mr. Marchand **MOVED** to pay the NPREA Close-out Manifest in the amount of **\$1992.61**, Mr. Ryan seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Eddy - Aye

Mr. Moran - Aye

The vote was **UNANIMOUS**.

Mr. Marchand **MOVED** to send 125 Development NH Corp a letter requesting they pay their arrearages, and to add to that amount the cost of sending it certified mail, Ms. White seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Eddy - Aye

Mr. Moran - Aye

The vote was **UNANIMOUS**.

C. Invest NH Grant – Update

Ms. Rowden updated the Board about the ongoing work covered by the grant and would soon be discussing with the Board her findings and opinions going forward.

D. Age Friendly Community - Update

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A.A. Doggett updated the Board regarding the community survey and the timeline for the project.

3. Adjourn.

Mr. Moran adjourned the meeting at 7:51PM.

Respectfully Submitted,

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