



# Newton Planning Board

## Public Meeting Minutes

June 27<sup>th</sup>, 2023



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

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

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

Present via Zoom, Ms. White and Ms. Eddy (Ms. Burke was excused)

Chairman Moran led the salute to the Flag.

### 1. Public Hearings

- 1. John Silvia and Ashley Guerrieo requests a public hearing for an Non-retail Home Based Business consulting) at 41 Highland Ave., Newton NH. The property is referenced as Tax Map 5, Block 4, Lot 20.***

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

Ms. Rowden stated that the application was complete.

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

Mr. John Sylvia (41 Highland Street, applicant) stated that essentially it is just in office that is for plan review for my consulting business. Anything that is done physically is done on a job site out of New Hampshire in Massachusetts, it is really just following the rules and making sure that I can legitimately get business mail to my address. There are no materials involved, and my own vehicle is just a little SUV that is what is being used for the business, no customers come to my house, no sign out front, just registering with the state and making sure that I have an address where I can receive mail. I have 20 plus years of MEP, which is mechanical, electrical and plumbing, my current occupation is to review plans, visit job sites, and make sure that the stuff that the engineers draw on paper and gets put in buildings will actually work and that it is installed correctly. That is pretty much what I do, I am basically a glorified babysitter for all the mechanical trades.

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Mr. Ryan **Moved** to find the application complete and to take jurisdiction, 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**.

Mr. Moran opened the public hearing at 7:06PM.

Mr. Moran opened the floor for public comment.

Ms. Sandra Estabrook (7 New Boston Road) was just wondering if the office, how much space it is going to take up and if it's in the house or in the barn area. The barn has a preservation easement on it so I do not know if that affects it.

Mr. Moran replied that the exact square footage was actually not given, but it is on the sketch. It is a small portion of the home it does not look like it is in the accessory dwelling. Mr. Silvia do you have anything to add?

Mr. John Sylvia (41 Highland Street, applicant) stated that is correct it is a desk in a little 10 by 10 sunroom on my second floor.

There being no further comments or questions Mr. Moran closed the public hearing at 7:08PM

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 business plan falls within the scope of the applicable Zoning and Site Plan regulations for a Non-Retail Home Based Business**
2. **That Justice would be served by approving the application.**

**Proposed conditions:**

**Conditions Precedent:**

1. **Obtain a Newton Business Occupancy Permit**

**Conditions Ongoing:**

1. **No outdoor storage of business-related materials.**
2. **All business shall take place inside the home or off-site.**
3. **Hours of operation shall not detract from the quality of the neighborhood.**

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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**.

***2. 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 7:10 and reminded everyone that as this was a design review there would be no votes taken and no opinions given.

Mr. Moran asked Ms. Rowden to explain the Design Review process.

Ms. Rowden stated that a design review does require an application, at the Planning Board it is formal application, abutters are noticed as is the public, none of the discussion this evening is binding. The Board can provide feedback to the applicant; the applicant can propose what they are seeking to do to get feedback from both the board and abutters, but nothing is binding. Nothing that they present this evening makes that binding, that is why they have to present on a formal application should they choose to go through with one the board can be supportive of aspects or not supportive it does not really matter. when at this stage they can come back at a future point and have listened to you or not. Any comments tonight really are just for advisory, it gives a sense of things that you may have concerns about, so it is good for the board to give that kind of feedback, ask questions, give some commentary, but it is really just a non-binding discussion. It is a more formal of a sketch than a preliminary consultation which you typically have more of a rough sketch than more formal plans like you have this evening. I would recommend on this one though it is pretty complicated, there are a lot of moving parts. Mr. Quintal has forwarded to me, as of yesterday, sort of a way of stepping through that process. I think you have copies, and I will project it on the screen for those online but I think that would be very helpful I have a few other questions and I am sure the board may as well as the abutters, but I think to just let us go through the process of what they are trying to do before we get into the more complicated details.

Mr. Dennis Quintal (Principal of CMI and agent for the applicant) Mr. Ryan was not able to be here tonight because of scheduled vacation time so we had scheduled for the previous meeting with the Board, but I was not going to be around. He thought it would be important that I make the presentation because of the type of project that there is and the calculations and so on so his property is on Thornell road which is tax map 12 block 1 lots 4 and 4-3 he purchased this property by deed and a abutting lot with an

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existing house, that lot it is 0.97 acres. You might have seen it if you go by it has been a vacant for a while and he has had a sign in front of that property. Behind that house there is back land that has an access of a 50-foot right-of-way that goes to the right of that existing house that's lot four and it is about 27 acres there so the land even behind that is shown on the tax map there is a four and half the 4.7 acre landlocked piece of property a rectangular piece that is owned by the town and his property kind of wraps around it according to the tax map and I have a copy of the tax map if you want to look at it. He looked at it from the point of view that it would make it a better project for him if he were to wind up purchasing that property from the town and so he is met a number of times with the selectman and produced an agreement and a deed has been written to transfer that property to him There are conditions with that which we can go into a little later. The first step which part of the one of the conditions is to provide conservation land for the town and so the plan set that I sent with my application shows a lot line adjustment plan and that line adjustment plan shows a line that goes basically from the acre or so of the town the town piece and kind of in into six that parcel and it draws a straight line so the goal here is to create this line which would then wind up parcel a of the of the Town property which would be 3.4 acres and you can see it right there actually. The 4.7 acre parcel and so what we're doing is creating this lot line down through here which is kind of like the plan that we were Mr. Norman was proposing to the Selectmen of creating this as a property that the town would own conservation land, and this would be parcel a would-be land that he could utilize and part of his property so that is that parcel a would be of the Town piece would go to Mr. Norman 3.4 acres and possible B would go to the town which is about 7.6 acres there is also a deeded easement. There is also going to be a deeded easement or plan adjustment in order for walking trails and there is existing walking trails on throughout the whole property here but there is also an access from Diane Herr's property and I show away that this existing trail system through this property and we talked, and I met with her, and we walked her property but her property comes in more down downslope and kind of through some wet area through here so I talked to her about perhaps maybe instead of making this line making it in somewhere in between an upland area so that is something we have to work on but anyways the goal here is to provide a walking trail from her property here as in a butter through the conservation land here and through property and reached into the trail system that is out in in this area so how we do that is something we are going to work on because perhaps we can take instead of this being a straight line, we might be able to make some bending into this line and get the trail system to go through so it is not an easement through the property but it would be on part of the conservation land itself. As you can see the wetland line comes right down through here like this so that is the edge of wetland right through here so they are really the walking trail should be out of the wetlands as much as possible into the uplands and then through the best part of this upland this wetland piece the higher than where it is that now, so we are going to work on that so it is a little hard to explain that but that is that is basically what we need to do as far as one that condition of the of the of the of the deed so the resulting property that Mr. Norman has is 20.5 acres so the next step after we do this lot line adjustment is to look at a proposed development for Mr. Norman's property initially Mr. Norman was hoping to obtain three or four lots for his

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himself and his family. We wound up at that point in time we needed to obtain information of the physical features on the site. We contacted Gove Environmental to flag the edge of wetlands through here and we conducted a topographic survey of the property. They then were able to do a high intensity soil map which is one thing that the town requires for development purposes. That is what we did to begin with, the upland soils are very good and there is a wide but there is a wide band of wetlands that goes through this property of wetlands and mark there and here so there is quite a two or three hundred feet two and a half to three hundred feet to cross this wetland area it is on a slope but it is keyed out as a poorly drained soil so looking at it from a development point of view we first looked at an access road that would come off from Thornell Road. That would be right beside the existing house. The 50-foot right-of-way that is in this area here we kind of had to move that where the proposed road was going to go because looking at the topographic information that we got from the Thornell road we could not quite get 400-foot distance unless we moved the road a little bit westerly so that is why it looks like it does not follow that 50-foot right-of-way. It goes a little bit westerly as far as that goes so we were trying to meet Town requirements as much as possible. That is where we propose to put that entrance in coming off of Thornell Road and that way we will be able to meet the 400-foot site distance in either direction. The road does need to cross wetlands and the minimum distance as much as possible to access the rear of the lot. I developed a conventional subdivision plan that does not include the town lot parcel A which was deeded to him but one of the conditions was that it could not be used as calculations for proposed development. We took a look at it to see what we could do for a road that would come in and provide 150 feet of frontage for each lots as we came around and we got six lots. Each of these lots has the minimum land area and plenty of room for septic and wells and they will all meet the requirements for high intensity soil map as well it is going to require 914 plus or minus linear road. Again all of these are just calculations that I have done as a preliminary basis to meet in this design review process. Obviously have to fine tune it as time goes on so some of these lines might change a little bit, but essentially right now it does meet the requirements. Once we did that and I think I provided you with a copy of that plan we took a look at the possibility of doing an open space cluster development which is part of zoning section 31, I believe, and it requires a conditional use permit from the planning board. We know we have to go through that process of a conditional use permit, and we can go into that too when we if we go to the next level here it requires a lot size of at least 20 acres which we have over 20 acres and it requires 150 feet of frontage and we have over 200 feet of frontage across his property where the lot and the back land so there's over 200 feet of frontage on Thornell Road. I think it does meet the requirement for the cluster open space development one of the next items that we took a look at for getting see if we can meet this requirement for open space is a subsection 7 which is a baseline density it is called a baseline density and with that there is there is two options which we have a choice of choosing which option to wind up determining the number of units the number of lots to put on a cluster and so the yield plan as you see that I have sent to you shows six New lots that's option B option A and looking at option A is some calculations and I provided and provided you with that that sheet today that shows you that the 20.5-acre lot you cannot use the house lot or

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the house lot which is 9.97 or the town piece parcel a which is that 3.43 so that reduces the land area to 16.1 acres usable for calculations and based on that we cannot utilize unbuildable land so we have to take away the wetlands and the gas easement which are the wetlands is 4.98 acres and the gas line easement which is the natural gas line that goes through the property that is 0.9 acres, so we have to take those out and it winds up with 10.14 acres or a 10.14 acres of usable land that we can use for calculation so if we take that 10.14 acres and we have to discount 10 for roads I am not making this stuff up this is in your regulations so if you follow through the town regulations, I think that this is this is what I've I am trying to get through yeah, I will verify I did walk through the calculations and based on what I have that it checks out with your regulations I know there are other things but I just need to say that that I am just not coming up with these out of my head but so taking away 10 for roads or multiplying the 10.14 times 0.9 gives us 9.126 acres of usable land for calculation and then your regulations say that has to be divided by what the zoning requirements are for area, which is 60 000 square feet, so we divide that by sixty thousand square feet and we wind up with point 6.6 units and according to your regulations that can be rounded up to seven units so that is where I came up with seven new proposed lots and so that is shown on the plan that shows the 7.7 lots along the road that comes in in the proposed road would wind up being about 775 feet as a reduced road and each lot would then have 75 feet of frontage and each lot would be greater than 50 000 square feet located around a proposed cul-de-sac that like I said the road would be 773 feet and each lot has plenty land enough for as you can see here septic systems and wells in the back so each of them do meet the requirements for each having their own lot plenty of land for each to utilize all the soils a good up there they meet the soil type requirements for the state for the town and the state for the high intensity requirements and also the state requirements so one of the next things that we took a look at on doing a cluster if we were going to do this cluster is the minimum requirements for open space so again going through your calculations it requires 40 percent of the area minus the unbuildable to get how much open space we need so that is the that is the area that was left after we took away the unbuildable the wetlands and the gas line from above and so we multiply 10 acres times 0.4 and we get 4.06 acres that are required for open space and so on each side of the development each side of the development parcel the one up above on the above the there you go to the right now there you go so open space here I call it to the West Side open space this over here is east side open space now a majority of the West side is wetlands but there is areas around that that can work around with trail systems just like we talked about on the east side there is there is a lot of this is upland and there are pockets of wetland over this way and if you take a look at the one down just below it here okay so there is some wetland here on the east side but you can access it through upland all the way around here and then as far as the next step as far as that requirement was to have 25 percent of the open space of the four acres of open space to be usable for recreation so when we add the west side of the road and the east side of the road we come up with 8.4 acres, so we have more than the four which is required and then the usable area if we take 25 percent of the four or four acres it winds up being just over one acre so forty-four thousand square feet and it has to be shown as usable for recreational purposes and just this area right in here that

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is over sixty thousand square feet so there is usable land I want to summarize it down here there is 60 almost 60 000 here is 14 000 there and twenty about twenty-five thousand so there are areas here that can be used for recreation now it does not say what type of recreation it could be archery it could be maybe a soccer field or it could be a small baseball field or something like that in this opened area it does not say what, but it is upland that can be used for recreational purposes the access like I said would be from the road through the upland area south of lot seven so regarding the access roadway the roadway has to cross the 300 feet of wetlands which is the narrowest point and on one of the plans that I sent to you has a road cross section or profile I mean and I do not know that is the one right there so looking at that looking at the grading scheme here coming in this is the area that is about 300 feet which is just over 200 Station 200 there up to just over 500 so it is just about 300 feet of wetland crossing, and we need to try to make the minimum impact to wetlands as possible in order to get a permit and so that is what we've kind of tried to do there and so I took a look at what a grading scheme would look like as a minimum and down here is the profile of the road starting in from Thornell road if we come in I started out with this plan here coming in 25 feet at a two percent slope and then a gradual vertical curve and wind up being at that point in time about a 10 slope and then another vertical curve coming this way to a low point and then coming back up into more of a cut situation just at the end of the cul-de-sac so this whole area would require fill of the proposed grade so there is the 10 grade, so it will be quite a bit of fill in this area the most of it would be I will probably be eight feet of fill there and down to four to five to six feet of fill down to where the culvert is so looking at that and now looking at what your town requirements are we would need to obtain waivers from that design in order to minimize the impacts to the wetlands and also if we have to if we have to modify the plan we certainly can so I did also in one of my emails I did say that we would need to have four waivers one for the design standards criteria 1.7 grading within 100 feet of the intersection does not exceed one percent so that one that first coming in off of Thornell Road would have to be we are proposing 25 feet in order to start in to give a fully flat area before it starts to a 50-foot vertical curve to start to drop into the project and so instead of a hundred feet flat we are looking at trying to propose you need to do 25 feet fairly flat then transitioning with a 50-foot vertical curve on that so we need a waiver from that requirement number two the road requirement criteria 2.4 C minimum paid width so since this is going to be looking at this and requiring these waivers we are probably looking at this to be a private road instead of a town road because it is only going to be the seven lots that go back in and out so instead of having 24 feet of pavement to minimize the amount of fill that is going to be required to impacts to the wetlands would like to reduce the pavement width to 20 feet of pavement and so that would be the waiver for that section instead of 24 feet of pavement would wind up with 20 feet of pavement and the third waiver would be the shoulder gravel instead of four feet wide would be two feet wide on each side and the reason similar to the previous waiver which is minimizing the width of the re of the building for the road the last waiver would be 2.4 C is the maximum grade of a roadway is supposed to be eight percent and we show a 10 grade coming in for that short section of roadway right here so if we were to go flat for 100 feet and then go at eight percent, we are talking about maybe 12 14 feet of fill to get over the wetlands and make that

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work so it is a little challenging again this is not cast in stone. I did meet with Mike Vignale, Town Engineer, about this he said he was going to give comments to the board. I do not know if he did but if he did not then he probably will when we submit this again. If we go through with this. He did not really see any major problems with this a lot of towns, he said a lot of towns have a maximum grade of ten percent anyways so going from eight percent to ten percent he did not think was a big deal. This flatter area in the front I will have to take a look at that a little bit more maybe I can make that a little bit longer and see what the impact is down here. Again I have not gone through this a number of iterations like you can on a design to see what the best is, so I am looking at trying to send this plan into the town and then get feedback. When talking to Mike Vignale he kind of thought that, as anybody might be able to do a little bit more here. I also met with Mike Pivero the town road agent and he does not have any problem with this design as long as it is a private road and he said if it is going to be a Town Road, he says I get enough town roads to work on now and with the budget I have it is difficult to maintain the existing Town Road. I am not really looking for anything more town roads and so he said if it is a private road, he says you do what you want to do but he says if it is as if it is going to be a Town Road, he says I really would not support any waivers because I have to then go and maintain it and plow it and whatnot so he would like to have it bigger and flatter and make it easier to maintain so I am looking at it from the point of view of environmentally what we need to do to make this work and also to make it usable and safe for traffic. In meeting with these two gentlemen I did get some feedback and can take a look at manipulating this somewhat as best I can. That kind of summarizes what we need to do for this design review. I know there is a number of calculations here, but I think that I needed to go through that and be able to present that to you now I think that that is what was important as a design review, so you have some sort of a feel for where I am coming from and trying to produce a development plan like I said he would like to proceed further on trying to get a design going sometime in the future so I would need to have some time to do some more calculations so I guess with that I can answer any questions, or any feedback would certainly be helpful.

Ms. Rowden added, it actually might help if he went through the steps of what needs to occur just for the board identification and anybody watching.

Mr. Quintal continued; we would have to do a conditional use permit. the lot line adjustment first would be the plan, but I would work out that walking path through the woods so that is something I got to work out so the first step would be to do a lot line adjustment plan present that to the board at the same time with the subdivision plans and then if the lot line adjustment gets approved then we can walk right into doing the subdivision plans, but I have got drainage calculations I got to do the size the culvert for the roadway I have got the wetland application that has got to go in for dredge and fill permits so there is quite a bit of work that needs to be done so I will not be back at your next meeting. Just for design review purposes I think this is the process that needs to be gone through and at least give you a feel for what is happening any other comments from other Town entities, Conservation, Recreation, anybody else then certainly I am willing to answer any questions or consider any other changes.

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Ms. Rowden stated I did go through the calculations as presented; I mean it does follow the formulaic requirements of your cluster subdivision. I do strongly advise that you get the fire chiefs input for fire apparatus and the road design in case the grade or the width in particular are of concern. I do not think there will be, but it is always good to get the feedback early on. It is a long wetland crossing and there is no other way to access it so that I think would be good to seek some Conservation Commission feedback ahead of time. Those are my two main comments.

Mr. Moran added coordination or input, before you go too far with the fire department you may want that, there may changes to your plans is my gut feeling, but I am not the one going to tackle the fire department.

Mr. Quintal stated that just across the street was recently, a single-family home that was built and it was basically a 10 slope all the way up and it was a long 10 slope the whole length of the road and when I talked to him about it because it needed to have fire apparatus to be able to get up in and turn around and so I did go over that with him this I do not believe is as drastic but it is going to be a private road instead of a sort of number of houses and stuff I think that is where you are going to trip so I certainly will talk to him, he is not that far away from where I do some of my work, a thousand feet, maybe so yes, I certainly will talk to him.

Jeffrey Goucher (Abutter, 11 Thornell Road) stated I do have a few concerns about this property especially with a town swapped properties. What they swapped for is actually it is absolutely useless as far as recreation or anything. The streams as vernal ponds there are cranberry bogs, it is just completely wet, and from the two pipelines it is all like stream and vernal pools in behind the houses. If it is not properly drained right, it is going to back up in behind everybody's houses and cause some issues there as well. I have two wells; one is probably 100 feet away from the property line and the other one is probably 150 feet so that is a concern of mine as well and the only other thing that I can think of is the trail they are talking about that is actually only a footpath that these people used and going on this people's property. I do not understand why they are going to create that trail just for them. There are several other trails that actually a lot of other people do use behind them, so my biggest concern is holding that water back in behind people's houses. There are endangered turtles back there like I think the conservation committee should take a good look at this.

Ms. Rowden stated other than that so just as part of this approval they will have to submit a storm water drainage plan that will that has to per your town requirements and state requirements they basically cannot have any additional flow off of the property that naturally exists to help to help deal with your concern not still have your concern but that the intention is to not cause additional impacts on other people's properties.

Mr. Goucher replied, I do not know how they can put drainage in or burner pool but anyway those are a few of my concerns at the moment other than the usual the Police

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Department, fire department, the school system, all those things are going to be affected as well.

Mr. Marchand added that the trail that you are talking about, the footpath that Diane Hare had talked to them about it is not just for her primary use her concern is her and her husband love nature they love all of that and they want to keep it open for the public. That was why they got involved in all that and wanted that part to be open so that people that do the Peanut Trail can come off onto that property as well and walk up through there and be able to enjoy. You can access it right off the Peanut Trail and it goes right up through there a lot open from the Peanut Trail for public use that is what part of that property that he is given to the town the part of it is wetlands and part of it is where that trail goes up beside it. There is a lot, from I understand, a lot of wildlife that is up in there.

Clyde Woodruff (Abutter, 5 Thornell RD) stated one of my principal concerns, although I am sure you have competent staff, is the safety. The hill on the road which you will be cresting where the private road is, the maintenance of that private road under adverse conditions, and emergency services. I want to make sure that that is well considered because otherwise you will have somebody coming over the top of the hill while somebody is trying to pull out and have a major collision. Beyond that I think everything is pretty well described and clear as far as it is the update and the plot updates to my understanding, I have not seen this is there a pdf online or someplace I could access to keep abreast. The Peanut Trail is still stay intact and that is basically the border and so I guess it would be the south side of it is where the development is.

Ms. Rowden added that for abutters, if they were to come back with a formal application if you got noticed on today's Meeting you would get notice of that formal application as well.

Andrew Woody (abutter, 5 Tara Lane) so we actually abut just north. It probably sticks out I only wanted to reiterate what I think they both have also said is the impact to the wells in the area. We just bought back in June and talking to all the neighbors in the area, everybody seems to be running out of water in that drought, that September / August drought that we all kind of get. Everybody seems to be getting in town. My only concern is I know it is all wetlands, but we know that does not necessarily affect your well systems, with seven more wells. Especially the way he has it on that second division, where they are all even plots, where they all circle kind of right along the back, I just do not know if the house that is if there is a way to get an impact or see how that's going to affect everybody else as well in the area. If it is going to draw the table down and kind of mess everybody. I know nobody wants to see more woods getting torn down but you cannot really stop progress. Just like I said, the water is probably everybody's biggest concern back there, other than that like I said it seems pretty well described and a pretty good layout, besides obviously the concerns with the road.

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A.A. Doggett announced that Zoom had crashed and the board paused while it was rebooted.

Norm Huntress (Abutter, 19 Thornell Road) and I was just wondering what the plans were for the property next door. I noticed that the wires are cut on the house is the house going to be moved is it going to be done over.

Mr. Quintel stated it was his understanding that Mr. Norman is going to demolish the house and redo it there were some structural problems with the house that he figures is worth redoing it and so when we do that, we have to take a look at the setback requirements number one. Number two, we also will probably look at the land area for that lot because it is a it is 0.97 acres so what we would like to do is make that a little bit bigger. On one of the plans you can see that I added more land around the back. I do not know if that is going to be considered a part of the lot line adjustment because we are changing that line as well so perhaps that would be on the lot line adjustment plan, but I would not want that extra land to be taken away from the design criteria for producing option A. We can talk about that further but is that aspect and the other aspect of this is I did not mention is the new road that we would be proposing to go in there it would wind up in a situation where instead of having the existing house driveway coming in off of Thornell would do away with that driveway and the driveway for that house would then come off the proposed road. The property to the right-hand side, to the west, already has a driveway that is in the easement coming off of Thornell so we would propose changing that driveway to come off the private road as well so there would be two driveways that would be coming off of Thornell Road and creating one private road that would be so that is that is the other part that in talking to Mike Vignale. He thought that that was probably a good idea to do it that way and minimize the driveways that come out onto Thornell which is what the town has to maintain so I do not know I hope that answers your question.

Trisha McCarthy (Conservation and Emergency Management) so there is a piece here to do with the fire department because I did talk to the fire chief. Let me start with conservation and the idea of the trail. Conservation has been working with other landowners in that area. and we eventually are going to have this easement that will connect to multiple properties way up in the back so hopefully that explains why we were very interested with Diane's proposal about the trail that is already being used that's number one. Number two whoever mentioned the turtles, a year ago when we sat here or the selectman meeting with Mr. Norman, we discussed the Blanding's turtles and the spotted turtles, so we are fully aware of that and have been paying attention to that in addition to the wetlands. The crossings we understand there is going to be a crossing and the hope is that it will be minimal but by the same token and this is coming from Diane, one of the abutters, and maybe these abutters behind me as well we want to make sure that on either side of the driveway the swales are large enough to take any water so that neighbors are not getting it on theirs. We do not want to see flooded areas so we are all working on that I have talked to Dennis we have talked to Ryan we have done site walks down there, so we are all aware of the topography on that

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property, and from the fire department thing. Sandy is going to talk more on conservation but from the fire department he was curious how long the road was going to be which would indicate whether or not the houses were sprinklered and if the road would be wide enough for trucks and a turnaround or a pull-off area. One of my firefighters is here so he knows what I am talking about so that is a concern but Dennis like you said he is a thousand feet away from us he can come over and talk to the fire chief.

Sandra Estabrook (Chairman of Conservation) stated to me it seems like this is for lots that are being combined, it seems like it is more than a lot line adjustment because there are several lines being adjusted and there are several things being combined. I am not really sure a lot line adjustment is the proper term, maybe you should look into a merger of lots then they could be subdivided into whatever they think they want to do. That small lot, on the tax map it says is only 40 feet of frontage, not 50 as they said. He said if the application does come in as open space / cluster there is all those requirements that you have to put in place there is something about the new road and then there is supposed to be 150-foot frontage so if those lots only have 40 feet, he said he is going to have 196 feet or 200 feet so to me sounds like he is combining the existing house. They talk about razing the existing house. I think those are some questions they should ask or fill in when they do come back. As far as that wetland that they propose to give the town, the plan does not show the railroad track on what was submitted. It should be a 200 foot on the plan so that plan I cannot really tell where the railroad track comes in. I am not sure if that land does about the railroad track. Where they would put that walking easement into that wetland and then if it does not about there, I am not sure given us a landlocked piece of land right, so it make a landlocked piece of land is not going to help either so that is a little question to look into. They are proposing to possibly give the town all that wetland on the left side and then the easement piece of the other property owner giving us the easement to come in there but I would not think the town would want to be given a landlocked piece of land because what if that other person does not want to give us any easement so and then they said they were in to people talking people they talked to the Selectmen about that piece of land or are they talking to conservation.

Mr. Marchand stated that that was already part of the purchase and sales agreement when Mr. Norman bought that property so, that goes back to when you first started talking about the lot line adjustments. They have from the point of when he purchased it, 18 months to do a lot line adjustment for that purpose. It has nothing to do with any of the lots that he is going to do. That is the lot line adjustment about which he is talking. That has to take place first, he has to do that about the wetlands, about the trail that was promised, to be able to access all that land over there so that the public can use it, come, and go. That will be done and then like he said he was hoping to do that and then he would move forward with the other part of it, but he has to figure out along with the abutter and stuff and where they could have not have the trail right up on the wetlands but have dry land alongside it to be able to use, to be able to access all that property.

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Ms. Estabrook inquired if there had been any input about where that trail goes. I was talking to selectman now or conservation or just the abutter.

Mr. Marchand replied, well in theory he is supposed to when we talked about it already that it is supposed to go just like he was talking about, off of the wetlands so many feet and then be able to come up off the trail so we will have to adjust that with the lot line and that is what he is looking to do.

Ms. Estabrook asked if this is because it does not abut to the Peanut Trail.

Mr. Marchand replied it does, it already comes onto the Peanut Trail but as you come up further up that is when all of a sudden boom you hit total wetlands. That trail that he is going to give comes off of the wetlands to be able to access it to go up.

Mr. Moran stated the goal was to get a connection from the Peanut Trail through proposed or New Town owned land based on a lot line that Mr. Quintel drew. roughly that maybe shifted to accommodate the trail to then go in. The goal is to get a trail from the Peanut Trail all the way to their property.

Ms. Rowden stated just to be clear the lot line adjustment will be one step and it is a lot line adjustment because you are changing the property line between two property owners. There are going to be multiple of those that is why they cannot do just a lot merger, which would require all property to have the same property owner. so they are going to shift property configuration and then their goal through the cluster subdivision to then create new lots. It will be two separate applications; the lots need to be adjusted before they can do the cluster subdivision. They will do a second lot line adjustment then to get rid of the existing lot the house is on because they are going to push into that.

Mr. Moran stated that they are potentially going to shift that, and this is all speculative potentially, fix that lot, give the town a lot that they have already purchased, in an effort to make sure that a proposed subdivision if it has six lots four lots two lots I do not know Works they want to make sure the lot that is going to be given to the town for conservation works with their proposed subdivision so they do not have a quarter of an acre too much for a calculation with a cluster so they want to make sure that whatever a lot or line orientation they pick they do not grab too much wetlands here not enough wetlands there to make sure it fits our regulations.

Ms. Estabrook stated all right and then the other thing if it does come out it is an open space cluster development it is to help protect the land that we already have and to have more houses. Look in but preserve land and it does say that the town can go out and look and if there is trees that look nice or historical fixtures or stone walls, stuff like that, that would help to keep the look of the land, that possibly we could put those as conditions. To make it look nicer and not just go clear cut it and have it all open. Because the conservation walked out there, the town piece we went out there with Mr.

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Norman and it is beautiful piece of land and there is a lot of nice old growth trees there oak trees, all kinds of trees, we saw our Scarlet Tanager out there which is very hard to find in the town so there's a lot of wildlife that I use in that acreage that the town sold or whatever to him so it would be nice if you took that into consideration.

Mr. Marchand stated that part of the quick claim deed which Mr. Ryan signed is subject to a restrictive covenant that the grantee and the grantees executors and administrators and assigns shall not remove more than 60 percent of the vegetation on the premises here in conveyed and that is just on the property that he purchased from the town, so he is going to leave at least 40 percent of that standing. If he cuts that, because he had said that he wanted to build some of the houses there, so part of that was that he was going to at least leave 40 of not what he is given to town but that property that he is owning right what was left of it 40 percent of that has to remain standing.

Ms. Rowden stated if and when they do come with the cluster subdivision so the house lots they will have to show other natural features, they have shown wetlands on here, because I needed that for doing some of these calculations but tree lines, exemplary trees, individual trees, stone walls, ledge, if there are other natural features... so if there is a lot of that, if there is a really particular tree or a pocket of trees the Planning Board has the ability, through your cluster subdivision to help guide, we would solicit feedback from the con com so not everything that is out there is currently indicated on the plans as they have proposed it.

Ms. McCarthy added, I do not know if this will help but one of the gentlemen mentioned you know it is all wet what do we care about you cannot even walk there one of the first conversations that we had with Mr. Norman was that the wetlands, that the town is going to own, contains a large amount of it is an Atlantic white sea to swamp which is rare if any of you have walked a Peanut Trail the other side of the Peanut Trail we have lost that the Atlantic White Cedar Swamp it has been annihilated and we have spent countless hours of our own time and money, we've done be it deceivers, pond levelers, we have gotten soaked, it is amazing and the Atlantic white sea to swamp did not survive. Part of our hope was maybe now that we own the property and because we could not spend our own money on that wetlands as long as somebody else owned it, it has to be Town owned for us to spend Town money, but now we can maintain it. We can do whatever we need to do whether it is another pond leveler, be the deceiver, whatever and hopes of protecting that Atlantic white cedar swamp. The other part of this trail that Dennis Quintel talked about is the wetlands, the idea when we all did our site walk, Mr. Norman was there and Diane came, it was publicized, anyone could have come part of the promise that Ryan Norman stated was that part of the uplands, the piece that is at the closest side to the Peanut Trail, that is dry, part of that, a piece of that is going to be how we can get to the Peanut Trail, so we do not have to put on our hip waders and walk through the wetlands. We are working on it, there are a lot of moving pieces as Jennifer said. We are aware of it but anytime, even an abutters, if you are interested, conservation posts publicly all these conversations that we have had.

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The Planning Board in the board of Selectmen has been public. Please feel free to come or zoom in if it is select when you can zoom in thank you.

Ms. Estabrook stated, I was studying in the subdivision regulations, it is on page 20, it is called Scenic roadways and driveway permits. So with Thornell Road is a Scenic Road, it says no driveway shall be permitted on scenic roads designated under the RSA unless permitted in accordance with these regulations. There is a list of things that says driveways on scenic roads shall meet or exceed all requirements of 8.2.4. I do not know whether they are asking for a waiver, if it says it must meet all these, so there are a couple other things they might want to know, would the applicant be exempt.

Mr. Moran stated this is a question I do not know the answer to. Jen, because it is a private road, is it exempt from a driveway permit.

Ms. Rowden replied you still have to get access permission onto the Town Road but you are allowed to construct a driveway slash Private Road even though it is a Scenic Road so if there is a stone wall there they have to cut through or within the right of way of the town, if there is any trees that have to be taken down we would have to look at that. I mean it is limited to stone walls and trees the town owns.

Mr. Moran stated just for clarification I was not trying to say that they should not follow the rules that was more or regulations for a driveway I was just kind of wondering if our reg's covered both driveways and private roads and if it does not it probably should cover private driveways.\

Ms. McCarthy stated any work that is done on a Scenic Road, we have to hold a public hearing and decide. Granted we only have control over the right-of-way but even if it is a road, a builder, Unitil, any other company, we would still hold a public hearing just to make sure that we are following the statute.

Mr. Ryan inquired; I have a question for Mr. Quintel is there a way to address the concerns of the abutters as it relates to water supply. Is there just a matter of just going deeper with the new wells or is there a way to gauge the supply of the aquifer or that type of thing.

Mr. Quintal replied I do not really have a good answer for that but wells that are drilled generally are independent from one another provided they meet the setback requirement and for the state requirements a 75-foot radius. For residential purposes that is what they figure is the minimum requirement for impacting other properties, or if someone were to build a septic system or have animals near a well, the state says you need to have at least 75 feet. So it would be drawing water within that 75 foot and for the purposes of supplying a single-family house. If they were going to add a well that is going to require more water coming out for multi-family or some sort of commercial building that requires a lot more water, then the protective radius gets bigger, if there are more bedrooms in a house, over four, then your well radius gets bigger. So that is

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the protective Zone that they think is around to which will not impact anybody else of drawing water from within that area. Single family homes generally need between 450 to 600 gallons a day is usually what the maximum is or what septic designs are designed for, but most homes only use a certain percentage of that maybe 30 maybe 50 percent, it depends on the household but that is what septic designs are designed for. If you are drawing out for 400 to 600 gallons a day within a 75-foot radius then you are not really impacting anybody beyond that. That that is what the requirement is for protecting that well. Drawing water from other entities that could impact that well I do not know if that is a good answer. I mean the idea of the 75-foot radius is that you do not have too many straws sucking out of the same pool and the well radius has to be fully contained on the site, which is what they have proposed. They would have to abide by, so if we were to overlap the protective radiuses then there could be a possibility of one drawing from the other one. That is why it is good to have it totally on the lot unless you have an easement from an abutter or a well-release form that is generally required as well. I would not think there would be any impacts of above that but certainly it is a question good question for the state. If anybody has a concern the state makes the rules. The rules that they have are based on statistics and real data. we do not make up the rules, I mean it is like the Town rules you do not make them up, yet I am sure you have come up with the rules for a good reason. Obviously if there is questions about wells and water supplies that probably is a better place to go than to ask me.

Unidentified public member asked, what other developments have you done that have used wells.

Mr. Quintal stated I have done a few in a number of towns, in this town recently I have done some subdivisions for Mr. Fitzgerald, Chase Road, Currierville Road, 108, Pond Street, Peaslee Crossing. I have done a few subdivisions in town and obviously I had to meet Town requirements as well. When I could not meet time requirements I have asked for waivers and had good response, but that is the whole process of going through this whole review process with the town is to get input to produce a design that works within your rules and regulations and something that can make people who want to develop a piece of property, not only for themselves but maybe for providing homes for other people, one way or another, that is what the rules are there for and so it does protect the town for a certain degree, but you just cannot say no more subdivisions in town. It is not, you cannot do that. I am on the Conservation Commission in my town, and I see things get developed in my town, it is a little bit of a conflict for me, but I just want to make sure that they are done according to rules and regulations and being cognizant of not only the Town rules, but the State rules as well is important. That is where I come from.

Mr. Moran concluded we appreciate the information hopefully the applicant were their representation can take some feedback and make some potential changes or maybe we will see you again maybe we will not.

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Mr. Moran stated hopefully I am speaking for the board, I do appreciate you coming in and kind of kicking the tires a little bit to iron out some of the details so at least on your applicant's behalf you are not spending a bunch of money and you come here, and we hate it, and you need to revise it and then we are just arguing.

Mr. Marchand stated it is nice getting all this information up front, thank you.

### **3. Adjourn.**

Mr. Moran adjourned the meeting at 8:45PM.

Respectfully Submitted,

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

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