



# Newton Planning Board

## Public Meeting Minutes

September 12<sup>th</sup>, 2023



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

Present were Mr. Moran, Ms. Eddy, Mr. Marchand, Ms. Burke, Mr. Eddy, and Mr. Ryan and Alternate Mr. Papachristos.

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 Hearing

***125 Development NH Corp. requests a public hearing for a 44-unit Residential Development and Private Roadway for their land off Puzzle Lane, in Newton NH. The properties are referenced as Tax Map 14, Block 1, Lots (1-1), 2 and (27-3).***

Mr. Moran asked Ms. Rowden for her input.

Ms. Rowden stated in general I do think that the application is technically complete because all of the boxes that are required have been checked. I do think there are a lot of details and additional information that are necessary, but I think it would benefit the board and everyone in the room to let Barry go through the presentation and overview of the application.

Barry Gier, (engineer with Jones and Beach Engineers agent for the applicant) We are here tonight for a multi-family housing development associated with the Southern New Hampshire Industrial Park, Map 14 Lots 1-1 and 2 as well as lot 27-3. The intent of the project is to construct a 44-bedroom multi-family project on lots 1-1 and 2, and to construct the remaining roadway to connect Puzzle Lane from phase one to phase two of the Southern New Hampshire Industrial Park on the plan in front of you can kind of see the current the phase two of the project will end approximately this location and we are going to construct what we call Puzzle Lane back all the way to the existing phase one of the project. Lots 1-1 and two total to 16.5 acres and they are Residential A zoned. The town's ZBA voted in December to allow a multi-family residential development with 44 bedrooms on these two lots, so we are proposing eight five-plex buildings and one four-plex building for our all units to be one bedroom for a total of 44 bedrooms. We are going to put this on a 535-foot cul-de-sac and a 360-foot driveway which parallels Puzzle Lane. All units to be serviced by two Community leach fields and a community water system, as well the storm water for the multi-family development will be handled with two wet ponds and an infiltration basin. The project will be required to go for

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minutes are in unapproved form until approved by the Planning Board.  
Please check subsequent minutes for approval of and/or amendments to these minutes 1

an A.O.T. permit. The original site plan depicted multiple buildings located along Puzzle Lane further south and on lot 1-1. Those of you that were on the board when we were looking at it, and with the ZBA after public input, the applicant revised the plan to cluster the units as far from Sargent Woods' buildings as possible. We took them off of lot 1-1 and really clustered them up in the northwest corner. For the roadway let me flip back to that. For the roadway, Puzzle Lane, as I indicated will be constructed from the end of the cul-de-sac that was approved as part of phase two to the existing Puzzle Lane located between Lots 27-6 and 27-7. The intent is construct a 24-foot-wide roadway conforming to town standards. As for drainage; we will use a little bit of everything to treat the storm water, including a bio retention or bio infiltration basin, two gravel Wetlands a wet Pond and what we are called what are called ditch turnouts we designed the road to minimize wetland impacts across by Crossing at the narrowest point I was but it does the completed project does require 6 388 square feet of wetland impact and just under 60 000 square feet of wetland buffer impact we have received comment letters from the town engineer Mr. Vignale and the RPC planner Ms. Rowden, although there are some items that need to be resolved we do not see any stumbling blocks. We do understand the project will require approval by Plaistow as well, due to the roadway construction. We have not submitted to them yet, but we will be submitting to them in the near future.

Ms. Burke stated I just was curious to know in terms of the wetland portions that are going to be impacted has there been any studies to see and make sure there were not any endangered species living in that area such as box turtles wood turtles or Blanding's turtles.

Mr. Gier replied, we are in contact with Fish and Game regarding this and we are providing the information that they requested. We have done Wildlife assessment; our wetland scientists has been out there and flagged these areas and the Fish and Game has looked at it. There are endangered species in the area, obviously, we do not know that they are on the site, but we are going to be providing Fish and Game or we are going to be providing some area in a conservation easement. It is actually associated with phase two of the last project, we are going to be providing a conservation easement associated with phase two of the last project for turtle habitat.

Mr. Marchand asked, where do we stand with the state as far as the new entrance way to the road coming in through Plaistow.

Mr. Gier replied we are still working with D.O.T. on that we have received comments from them we had to provide some additional survey that took a little while to get in, but we have resubmitted to them and hopefully we will get approval soon we have answered the questions that they had it is just a matter of them reviewing it and seeing if they like the answers we gave.

Ms. Rowden commented one of my comments for the board is really understanding the future considerations of this proposal. You saw on the preview of the loop road on prior plans that has come through the planning board, but this is to actually propose building that road. So future development potential is certainly part of your consideration, not just the 44 units that are being proposed. This plan is predicated on being able to use the private access way that comes off of the Puzzle Lane cul-de-sac, which is a Town Road, so there were some

comments from the town engineer about that private access way and making sure it is adequate, which I think varies, intending to supply some additional information the loop road coming off for the residential development that is proposed and then coming back through the larger lot to connect with the four conditionally approved industrial buildings and to connect then, ultimately, down back to 108. That is a very big road and opens up a lot of potential future development so that needs to be part of your considerations. As to how that will be impacted and the construction of that road with that potential future development everything is being proposed to be to town standard and maintain it as a private way.

Mr. Gier stated that Ms. Rowden was correct

Ms. Rowden continued but multi-family use did get a variance last December. They were received a variance to build 44 bedrooms that was what the variance was granted between two lots. This proposal is 44 one-bedroom units so they will have, if this is approved and constructed, have exhausted that variance, at that point no more bedrooms could be built on the second lot as far as a multi-family development without an additional variance. To make sure that is clear as far as how things could play out. Plaistow would have to have approval; Plaistow may have some considerations if the future development and how that may plan to Emergency Services, but it does have to get approval from Plaistow. The roadway, and some of those comments are probably the biggest comments, the site plan for the multi-family is a big consideration, but that future development is probably the biggest issue for this plan. Going through the septic design, again they gave the locations but the amount of septic capacity between those is important. That is why I recommended that you require additional information, I need to know if that triggers the need for hydrogeologic study. Without that information I cannot tell you if it triggers your own regulation. Storm water, they have submitted a drainage plan it generally seems to be in compliance there are some notes related to inspections, maintenance, and operations that do need to be added. You would certainly want to have those as conditions of any approval. There are a number of miscellaneous items some of them are just notes noting what setbacks and boundaries are in the plan set, proposed structures giving the elevations, I think someone had a question of if the architectural design information was supplied, it was at the very back of the application, but it does not give first floor elevations, it does not give structure ultimate elevations. They are one-story buildings, they are likely to be in compliance, but again information that you are requiring. There is no real landscaping proposed other than to just show existing tree lines and proposed tree lines. It seems fairly well buffered from the neighboring Residential Properties just by sheer distance but there are no landscaping to buffer the potential tenets of the proposed dwellings from that industrial use since that is the only access way in and out. The lighting does not seem to include any lighting on the building, it only has a couple of streetlights. Snow storage: there are a few areas where you may want to have the snow storage pulled out of the wetland buffer, there are some issues with a dumpster also being where the snow storage is going to be. It is a lot of those types of smaller items that I think really need to be cleaned up that are outside of the road issue which is probably again the largest consideration and item that needs to be worked on.

Mr. Gier stated as to the hydrogeological study we will require it, so although I have not ordered it, yet it will be coming.

Mr. Ryan inquired is there any consideration for like a dry hydrant or a cistern there for the fire department since it is so far.

Mr. Gier replied we are not proposing anything that is kind of up to the fire department to request. They would ask if they wanted something like that.

Ms. Rowden replied stating I will recommend that at least you seek comment from the fire chief being a big one. The other aspect is from the road agent or and or the select board how the impact on the construction and the potential future development may impact the town owned Puzzle Lane. the State will take care of it with the connection onto the state road but any impact that it may have may be perfectly adequate but that is why some more information is needed.

Mr. Ryan stated, I might have missed it on the drawing but are these sprinkled.

Mr. Gier replied yes they are.

Mr. Moran inquired is the proposal to treat this separate from phase two.

The Board discussed the ramifications of what could happen if phase 2 was not constructed, issues with receiving their Alteration of Terrain Permit and that it could not continue to be call Puzzle Lane. They also discussed exits for the ADA compliant units..

Mr. Marchand moved to not take jurisdiction, Ms. Burke seconded.

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

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

Moran - Aye Mr. Ryan – Aye

The vote was **UNANIMOUS.**

Mr. Marchand opened the floor for Public comment.

Keith Gibbons (15 Evergreen Drive, abutter) read the following statement: I am the president of the board of Sargent Woods and after the Newton Zoning Board approved the building of the 44 bedrooms by 125 Development the Sargent Woods Board of Directors was made aware of a second sight plan for the buildings that were proposed on the parcels presented here tonight. On December 14<sup>th</sup>, 2022, Roger Hamel the former President of Sargent Woods and I met with our attorney and discussed this alternate location preference with him. He contacted the attorney for 125 Development in regard to our preference of this proposed site.

The site plan that is presented at this meeting tonight is the one that the Board of Directors requested be used. Therefore the Board of Directors representing the Sargent Woods Condo Association does not object to the Building locations as shown in this plan. We would also like to stress that maintaining as much of the natural landscaping as possible and limiting the outside lighting output would be a concern for the residents as well. I would also like to add that lots 1-1 and 1-2 should be legally merged to avoid future development.

Again our approval is limited to the building placement on the parcels. There may be individual homeowners who wish to express their opinion and they are free to do so.

Respectfully, Keith Gibbons, President, Sargent Woods Condo Association.

Mr. Moran asked Ms. Rowden if there a regulatory pathway to stop a subdivision once there is a variance approved by the ZBA.

Ms. Rowden replied that the variance for 44-bedrooms was granted and that is what is being proposed. this is in the Residential A district, in theory, without any additional zoning, really if you could put a single-family residence on the lot that lot that is not being proposed to be built upon, because that would not have required a variance, but anything additional would require further zoning relief.

Mr. Hamel Roger Hamill (17 Spruce Lane, abutter) have a few questions. The first one was when he appeared before the zoning board he made it clear that they planned on merging the two residential lots, is there still a plan to do a lot merger of those two lots. That would then, if they officially did a lot merger, clear up the issue. The other thing is a question that I have they have done the study yet on the water supply. My concern is you have 44 bedrooms, and the wells are shown with their well radiuses, all on their land. The Sargent Woods Wells are in the same general area, again with their well radius all on their land, but I would be interested in in their comments on the adequacy of the water supply and any effect of supplying water for 44 additional bedrooms would have on their water supply in the area. The other one is as Ms. Rowden mentioned the buffering between where the buildings are proposed, and Sargent Woods is significant. There is a relatively large amount of Woods both on their side of the lot line and on The Sargent Woods line. My question is I is if they stand where the buildings are proposed now can they see Sargent Woods?

Ms. Rowden stated this will require be required to be a public water supply through D.E.S. administrative rules and a significant part of that process is ensuring that there is an adequate supply and that it would not impact the neighboring Public Water Supplies like Sargent Woods. It is not required to technically be submitted for your regulations, but a condition of any approval should certainly be that they get D.E.S. approval for a public water supply that kind of goes with your catch-all requirement of all state permits but

Mr. Moran asked Mr. Gier if he wanted to address those items.

Mr. Gier stated that Ms. Rowden addressed the well permitting drawdown testing and then the buffer. Our intent is to merge the two lots. the ZBA the approval was 44 bedrooms on those two lots, so what there are nothing that we were proposing to do in addition to or that we could do in addition. We will be doing a hydrological study which is for the septic systems. We will have to do a pumping test for the water system to ensure that there is adequate water and that it does not impact the abutting water. We do not believe that there will be any issues, but you never know that is why we do the test and that is all covered by D.E.S. In the phase two process the buildings were spread out along lot 1-1, a lot more spread out, there were more on the south end after we heard from the Sargeant Woods abutters the applicant decided to

relocate as many as he could which is all of them up to the northwest corner so that the visual impact of Sargent Woods and the impacts to Sargent Woods would be mitigated or reduced.

Ms. Rowden stated that if at some point the Board gets to accepting jurisdiction, you can certainly do a site-walk if it feels that would be helpful.

Mr. Moarn stated, I have one more clarification and this was brought this up: these are all one bed one-bedroom units. I will say Workforce housing now, what they potentially could be classified for that, and I there are a whole stipulation or stigma with that, and I was maybe not something we could talk about later not directly into your application but the differences between what the perceived public.

Ms. Rowden stated they may be more affordable units simply based on their size.

Mr. Gier opined the intent is for them to be working class units. We are approved for 44 bedrooms for the ZBA we chose to go 44 bedrooms and one-bedroom units so yeah I will leave it at that if you want to elaborate on the pros and cons of that feel free .

Mr. Alberti (on Zoom abutter to Ridgewood Road in Plaistow) I just have a question about page three the plan set and Page seven of the plan set which is plans C1 and C2 specifically to the abutting property in the roadway location one of them on page three on C1 shows it to the right of the Newton/Plaistow Town Line and on page seven it shows the roadway entering into Plaistow so I am not sure what is the intent and why there are a discrepancy so number one number two I did want to point out that if the intention is to be C2 where a page which is Page seven that landed Plaistow his own low density residential not intended for a roadway only a home could go on that property of course that would need to go in front of Plaistow but certainly does not meet any setback requirements, or any other zoning allowed zoning uses at this time so just want to point that out.

Ms. Rowden added, I think the discrepancy is one is the existing conditions plan which shows what is effectively like a logging road and that is what is currently there, the proposed paved road that would be proposed to be built would be shifted for this proposal to be in the Plaistow. a little bit correct the current proposal.

Mr. Gier stated we will have to go to Plaistow for their approval to construct a small portion of the roadway within the lots that are owned by the Southern New Hampshire 125 Development Corp to construct part of that road on there. The discrepancy as Ms. Rowden indicated is that we show the woods road on sheet six that is currently located there it is outside of Plaistow.

Mr. Alberti commented again I wanted to point out that is low density residential, it is not going to allow for a road in that capacity. Certainly not to service industrial buildings in any capacity. Also it does not meet the setback requirements on Newton zoning, which is 200 feet from a residential property line, so you know those are just considerations that I think the Board needs to understand and I think the applicant should be looking to resolve other than trying to go the challenging route, which is pretty common by the applicant. Which is to try to figure out a way to get away with something that technically is not allowed and will not be allowed.

Mr. Moran asked Ms. Rowden to clarify in the setbacks.

Ms. Rowden commented that the setbacks from Residential Properties, the way it is stated in Newton's regulations are that structures have to be 200 feet from any Zone that it abuts that are residential it does not explicitly State residential in the town of Newton so that that is what Mr. Alberti is alluding to.

Robert Labell (9 Hemlock Drive, abutter) opined, we appreciate moving the units to where they are, my question has to do with the road that is going to be constructed. According to the scale that that I looked at the nearest place the road goes to Cedar Drive units in Sargent Woods is about 200 feet, and we have learned that the road is going to be 24 feet wide, so I have two questions one is, the thinking that they will preserve as much tree vegetation buffer to reduce the visual noise and light impacts for Sargeant Woods, is that the thinking along that road? Secondly is that road going to be built on the existing dirt road that runs behind our property.

Mr. Moran stated, I will answer the first one for you the planning board is going to approve the tree line that is shown on the drawings, and it is, to all intents and purposes as close as the road as they can get it as being shown. It seems like they have tucked the storm water treatment areas to the south of that road away from Sargent Woods as currently shown.

Mr. Gier stated one question was regarding the location of the road. We tried to mimic where the existing road is because you know when they put these logging roads in they typically put them in the best spot, so they do not impact the wetlands and this one happens to be basically where it is in that location adjacent to Sargent Woods. Yes, we did try to mitigate our impact as much as possible by keeping the road to the South say as much as possible and all of our storm water treatment to the degree possible is going south too so it will keep the trees as much as possible.

Mr. Moran asked for further public comments. There were none. He then asked for Board questions or comments.

Mr. Ryan stated since the buffer is such a concern maybe we should have that put more clearly on the drawings so everybody will relax about the buffer zone, and I would like to see cutaway elevation drawing of the buildings so we could see what the you know cutaway on the building.

Mr. Gier stated we will have those for next time, there are on C3 and some of the additional sheets regarding the buffer. We do show a tree line , and the chairman indicated that the board would hold us to the tree line.

Mr. Moran inquired, can you just for clarity put a few dimensions on there?

Mr. Gier stated oh absolutely

Mr. Moran continued, not like they have to be perfect, but plus or minus 200 feet from the residential structures. You will work on getting the hydro study.

Mr. Gier stated We have to address you know Mr. Vignale's comments as well as Ms. Rowden's. My applicant would like to request a continuance to October 10<sup>th</sup>.

Mr. Marchand MOVED to continue to October 10<sup>th</sup>, 2023, Ms. Eddy seconded the motion

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

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

## **2. Board Business**

### **a. Acceptance of minutes of the 8/22/23 meeting**

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

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

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

### **b. NPREA Manifests**

Mr. Marchand **MOVED** to pay the NPREA Manifest in the amount of **\$568.24**  
the NPREA Close-out Manifest in the amount of **\$77.78**  
and the NPREA processing Fee Manifest in the amount of **\$3.00**  
Ms. White seconded the motion.

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

Ms. White -Aye Mr. Eddy – Aye Mr. Marchand – Aye Mr. Ryan – Aye Ms. Burke– 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 discussed the survey which she suggested be extended to September 22<sup>nd</sup>. The Board agreed to her request and discussed possible ways to increase visibility and get additional people surveyed.

## **3. Adjourn.**

Chairman Moran adjourned the meeting at 8:13PM.



Respectfully Submitted,

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