



Newton Planning Board

Public Meeting Minutes

November 14th, 2023



The Newton Planning Board public meeting was called to order at: 7:07PM

Present were Mr. Moran, Mr. Marchand, Mr. Ryan, and Alternate Mr. Gibbons.
Also Present: James Doggett – PB AA

Present via Zoom, Ms. White, Ms. Eddy, Mr. Eddy, and Ms. Rowden - Circuit Rider

Chairman Moran led the salute to the Flag.

Chairman Moran seated Mr. Gibbons as a voting member for the excused Ms. Burke.

Chairman Moran commented that since there were only 4 members present, that later in the meeting when Mr. Gibbons recused himself owing to being an abutter to public hearing B and C, there would be no quorum present.

1. Public Hearings

A. M. Ryan Norman Of Newton NH requests a Public Hearing for an 8-lot Subdivision at 17 Thornell Road in Newton, NH. The property is referenced as Tax Map 12, block 1 Lot 4.

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

Mr. Quintal stated I sent a letter of intent with the application, and you may have read that the property is at 17 Thornell Road, it is tax map 12, block 1 and it was three parcels were merged for a total of over 29 Acres. I will go over the conditions quickly first, the parcel cannot remove greater than 60% of vegetation, on that parcel, second one, cannot use that lot for calculations for House Development, the third part was the subdivision. We conveyed a conservation easement to the town that would be on the westerly portion of the Norman land, and it was reflected on exhibit A of the purchase and sale agreement and the last condition was the subdivision would convey an access easement, a walking trail over the land that is not in the conservation easement, and I have shown that on the plans. Take a look at that if you need to. The remaining land that is not in that town property was greater than 20 acres proposed for development, so we were asked to obtain the

Planning Board Minutes November 14th, 2023 / Planning Board Meeting All
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

physical conditions of the site for development, and we conducted a boundary survey. We had Gove Environmental flag the edge of wetlands, we conducted a topographic survey locating the wetland flags and then we had Gove Environmental do the high-intensity soil map that is required by your regulations. The upland soils were good, which are basically on the northerly side of the property and there is a wide band of wetlands that crosses the middle part of the property there is an access road that we needed to have to that backland property creating a Right-of-Way and the access for that would be right where there is two great big pine trees, right at the edge of Thornell Road. The proposed name of the road is to be White Cedar Lane. The access plan was designed but did not get into your packets, but you have a copy in front of you that shows that there is plenty of sight distance in either direction. Thornell Road is a Scenic Road and as required by the town, the Conservation Commission has to have a public hearing. We did that last week and we received approval from the Conservation Commission to remove those two big trees. The road will need to cross the wetland to access the rear of the property. We developed a conventional subdivision plan, and that conventional subdivision plan would have the required 60,000 Square ft and 150 ft of frontage and the proposed and also has the proper soil areas for six lots, and it would be a 914 ft road if we did a conventional subdivision. With over 20 acres, we looked at the zoning ordinance section, I think it is 3.1, open space cluster subdivision, this requires a conditional use permit from the planning board, and it requires that you have to have at least 20 acres of land. You have to have at least 150 ft of frontage and so we have over 200 ft of frontage and over 20 acres of land. There is a baseline density option A or B to follow and so following option A, using a zoning formula disregarding the house lot in parcel a, which was part of the Town property, without the wetlands, and the gas line easement, there is over 10 acres of upland. Discounting 10% of that for roads the area is over 9 acres. Take that and divide it by the zoning size of 60,000 square feet and it lines up with 6.625 units. The regulation allows rounding up so that is how we came up with the seven residential lots. Clustering these Lots with a shared road. The roadway would be 773 feet. Each lot would have 75 feet of frontage and each lot would have greater than 50,000 Square feet, be located around a proposed cul-de-sac. Each lot will have adequate area for a well, buildings, 4K areas for the septic, and they each meet lot size by soil type calculations. They also will also meet state requirements. We proceeded to do soil test pits on each lot within the 4K areas and those results are on sheet eight. The open space calculations and lot size calculations are on sheet three. I can turn to that quickly here. On this lot size calculations and the open space calculations following along with those open space requirements on the sheet three 40% of the 10 acres or 4 Acres is required for open space. We have provided over 8 acres of open space, there is 2.2 Acres west of the proposed roadway a lot of that is wetlands, but you still could use it for recreational purposes. In the summertime it dries up pretty well. On the east side of the road there are 5.8 acres of land that carries out over into where the gas line easements are. Out of the required four acres of open space 25% of that is required for recreation or one acre. We have provided over 60,000 square feet. There is an acre, almost an acre and a half of

land east of the gas line easements, where if the owners wanted to have that for some sort of recreation area they could make a ball field out of it, soccer, or whatever they wanted to do. We have provided an area for that. Drainage from the upslope area on the easterly side of the proposed Road would flow toward the road through a culvert that would be underneath the road. It would be a 30-inch culvert. We have done the drainage calculations and provided that to the town for review. The surface run off from the roadway needs to be treated, so we proposed to put curbing along the edge of the road as it goes down and comes back up toward the cul-de-sac, so that there would be all the runoff from the roadway, from the pave surface would go into catch basins be captured in catch basins and then go into a treatment swale and a detention basin. That that information is also in the drainage calculations that we provided. Because of the unique characteristics of the site and looking at the slope requirements and the amount of wetlands that we do have to cross we are requesting four waivers. We have copies of those that we can talk about. In the process I did meet with the department heads, as well as Town Engineer, Mike Vignale and I got the impression he did not have any objections to the waivers. We talked about them because I met with him earlier this summer as well as meet with Road agent Mike Privero, who has no objection to the waiver request provided that the road would be considered a private road. That is what we are considering this to be, a private road. The maintenance, plowing, and maintaining the roadway would be done by the landowners, they will have an association that would take care of the road. I met with the fire chief, his requirement was to provide a cistern or provide a sprinkler system for each dwelling, those are what he provided for us and so we are still talking about those options. We have also prepared a wetland crossing/dredge and fill application and pending meeting with the state review agent have scheduled a time to meet with him Friday to get some information and some questions answered. I can provide that submission to the state. As part of that application process I have to provide copies to the town and the department heads for their review so you will get copies of that dredge and fill application as well. We will also need to have state subdivision approval on the site plan. You may have noticed that we proposed to put sediment control around the bottom of the slopes of the areas where the we landfill. That is on one of the layers that was not thought out, that will be on subsequent plans. I think that at this point in time we have provided enough information that the board would consider the plans complete enough to accept jurisdiction. We do have to deal with a conditional use permit, and we have to deal with the waivers which I would like to hopefully get a review by the planning board because that kind of makes a difference on how we proceed with submitting plans to the to the Wetlands Bureau. The waivers are based on the width of the imper the impervious surface and the width of the wetland crossing.

Mr. Moran asked Ms. Rowden for her opinions.

Ms. Rowden stated I do think that the application is complete. You do need to take up the waivers which are all related to the road. I would recommend dealing with that before

getting into the conditional use permit. I will say this conditional use permit does not have particularly strong criteria to base it off of, it is just the spirit and intent of this specific part of your zoning being met this project fit that intent which it does appear to do but I do not see any reason why accepting jurisdiction would be um an issue at this point.

Mr. Ryan asked I realize this is a private way did the fire chief sign off on the reduced entrance off of Thornell Road.

Mr. Quintal replied that he is okay with that. It is basically a straight run down, a straight road down slope.

Mr. Marchand **MOVED** to find the application complete and 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. Gibbons– Aye Ms. Eddy - Aye Mr. Moran - Aye Mr. Ryan – Aye The vote was **UNANIMOUS**

Mr. Marchand **MOVED** to Grant the following waivers:

From Subdivision Regulation Appendix B, Road Design Standards and Criteria 2.4C allowing minimum shoulder width to be reduced from 4 feet to 2 feet.

From Subdivision Regulation Appendix B, Road Design Standards and Criteria 2.4C allowing maximum gradient be increased from 8% to 10%. Seconded the motion.

From Subdivision Regulation Appendix B, Road Design Standards and Criteria 2.4C allowing minimum pavement width to be reduced from 24 feet to 20 feet. Seconded the motion.

From Subdivision Regulation Appendix B, Road Design Standards and Criteria 1.7 allowing a grade of -2% for the first 25 feet of the new roadway. 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. Gibbons– Aye Ms. Eddy - Aye Mr. Ryan – Aye Mr. Moran - Aye The vote was **UNANIMOUS**

Mr. Marchand **MOVED** to grant a conditional Use Permit to the applicant to allow a cluster development. 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. Gibbons– Aye Ms. Eddy - Aye Mr. Ryan – Aye Mr. Moran - Aye The vote was **UNANIMOUS**

Mr. Moran Invited Board member questions

Mr. Moran opened the public hearing at 7:42 PM

Mr. Moran opened the floor for public comment.

Ms. Sandra Estabrook read most of the Newton Zoning Ordinances regarding cluster developments to the Board and asked if all points were being met.

Ms. White MOVED to continue the public hearing to 11/28/23, Mr. Marchand seconded the motion.

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

B. Chairman opened the Public hearing Reading: **125 Development NH Corp of Plaistow, NH, requests a public hearing for a 4-building site plan off S. Main Street, in Newton NH. The property is referenced as Tax Map 14, Block 1, Lot 27-3. This is a Re-application.**

Mr. Gibbons recused himself from the Board. Chairman Moran declared that there was no quorum

Mr. Moran stated as there was no quorum the two public hearings for 125 Development Corp. would have to be continued to the November 28th public meeting.

Mr. Gibbons returned to the Board so the Borad could vote on the continuances.

Mr. Marchand **MOVED** to continue the public hearing to 11/28/23, Ms. White seconded the motion.

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

Mr. Moran offered to have these two public hearings first on the agenda of the November 28th meeting.

Board Business

a. Acceptance of minutes of the 10/24/23 meeting

Ms. White **MOVED** to accept the minutes as printed. Mr. Marchand 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 Mr. Gibbons– Aye Ms. Eddy - Aye Mr. Moran - Aye
The vote was **UNANIMOUS.**

Planning Board Minutes November 14th, 2023 / Planning Board Meeting All
minutes are in unapproved form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes 5

b. **NPREA Manifest**

Mr. Marchand **MOVED** to pay the NPREA Manifest in the amount of **\$637.69** 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 Mr. Gibbons– Aye
Ms. Eddy - Aye Mr. Moran - Aye The vote was **UNANIMOUS.**

c. **Budget and Schedule**

A.A. Doggett presented the budget for 2024 and the schedule. He explained the changes to both and was asked to review certain budget items and whether the Board wanted to meet on Christmas Eve in 2024. A.A. Doggett stated he would review the issues and bring both items back on November 28th.

d. **Groundwater Management and Floodplain Regulations/Ordinances.**

Ms. Rowden Informed the Board about the ongoing work on Newton's behalf.

Mr. Marchand **MOVED** to have the chair sign a letter of support for the grant. Mr. Eddy seconded the motion.

3. **Adjourn.**

Chairman Moran adjourned the meeting at 9:24PM

Respectfully Submitted,

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