

**NEWTON PLANNING BOARD  
MINUTES OF MEETING  
September 25, 2018**

**Call to Order:** Vice Chair James Doggett called the meeting to order at 7:00 PM.

In attendance were: Chair Barbara White, Vice Chair Jim Doggett, Planning Board members: James White, Roger Hamel, Sandra Estabrook, Robert Zelensky and Circuit Rider Planner Jennifer Rowden.

Also in attendance were: Applicant Todd Fitzgerald and his representative PE Dennis Quintal, Newton Town Engineer Mike Vignale, Newton Town Road Agent Mike Pivero, and Conservation Commission members Trish McCarthy and Nancy Slombo.

Minutes were taken and transcribed by Barbara White.

The meeting began with a salute to the flag.

Vice Chair Doggett appointed Mr. Zelensky as a voting member for Mr. Holland.

Vice Chair Doggett noted that a letter has been received for the board to reconsider the waiver given to the applicant at the Aug. 28 meeting for the stormwater management plan.

Ms. Estabrook made a motion to reconsider the waiver; Mr. Zelensky seconded. Ms. Estabrook asked to see the request for waiver as she was not present at the August 28 meeting. The motion to reconsider failed.

Mr. Hamel made a comment regarding the way he voted. When they voted to reconsider the waiver, it was based upon the fact that the amount of impervious material being added to the site was minimal and the flow would be towards the wetlands. He felt this was fully evaluated at the last meeting.

**1. Continued Public hearing, Father & Son Realty Trust, Todd Fitzgerald, 5-lot Subdivision, Currierville Road (Map 15 Block 2 Lot 1-1)**

Mr. Doggett re-opened the public hearing on the 5-lot subdivision.

Mr. Hamel stated he would like to hear from both the Road Agent and the Town Engineer about the inadequacies of the road and possible remedies proposed.

*Mike Pivero*, Road Agent was concerned about the totality of the road long-term and where the town is heading in regards to it staying unpaved or paving it. If it was decided to pave it, drainage would be a large consideration. Depending on the application decided upon, more trees might need to be cut. One decision would be more disruptive than the other and conservation would become involved.

*Mike Vignale*, Town Engineer noted it is a scenic road and he would like to not change it too much. The road would function better with drainage on both sides of the road and if it was 2

feet wider. One remedy would be a swale, which would involve taking out a large number of trees. The other remedy would be a closed drainage system with a berm and a catch basin, which is much more expensive.

There was discussion about people parking alongside the road to take advantage of the conservation area across the road from the proposed development. Mr. Pivero spoke about that parking area and the need to either eliminate it or designate a certain spot for the parking. It was noted that as the road is now, winter maintenance is difficult because of the narrowness of the road.

Ms. Rowden noted that a scenic road designation protects cutting of trees and stone walls. As it is a town-owned road, it would be up to the town to come up with a plan to make improvements. Normally the developer would be responsible for the road in front of his subdivision only. An impact-fee type of fund could be established to go toward when the road is better developed in the future.

Mr. Hamel opined he would not like to see any more houses being built on that road until some decision is made about the road. He would like to see what the improvements would be and how much it would cost.

Mr. Pivero noted it was suggested to him that there should be a warrant article regarding paving the road. Mr. Doggett noted that had been done twice before and both time it failed; the residents do not want the road paved.

Ms. Rowden asked if they put in the swale now and in two years the town decided to pave the road, would it be a waste of money? Mr. Vignale stated it would not, but the swale would necessitate a lot of trees to be cut down which would change the esthetic feel of the scenic road.

Mr. Doggett noted it would be unfair at this point to hold up the developer until a decision was made for the entire road; it would be an unfair hardship.

Mr. Hammel stated that the road as it exists cannot support the additional development. Ms. Rowden asked the Board to consider what improvements can be made so this is an acceptable at the present time until a decision has been made on the entire road.

Mr. Pivero opined that the developer should contribute some monies toward the portion of the road in front of his lots, but they need to figure out what they are going to do with the road as a whole in order to decide what the portion would be. Mr. Doggett noted that was the catch-22.

Mr. Pivero noted that trees would be impacted no matter which decision was made – pave it or put in drainage.

Mr. Quintal, PE for the applicant explained that the drainage from the edge of the road would drain into the lots at the driveways. It was discussed about the condition of the road and the road agent stated there was not enough gravel on the road. The frontage in front of the proposed development is close to 1,000 feet. Mr. Fitzgerald is offering to add 6"-8" of

gravel to the road in front of his property. Swales could be installed at the front of each lot at the driveway locations to accommodate any water.

Mr. Hamel asked how wide the town easement was. It was noted to be approximately 16 feet on either side.

Mr. Quintal suggested a drainage easement across the front of each lot, which would help if and when the town decided what to do about the road. Mr. Pivero encouraged the planning board to accept that suggestion.

Mr. Doggett asked for discussion from the board on Mr. Quintal's suggestion regarding the gravel and the easements. Mr. Zelensky is concerned about the expense to the town for the other side of the road.

Mrs. White opined that the extra gravel on the road and the easements at the front of the lots offered by the developer sounded like the best option to her. She did not think it was fair to hold up the developer until a decision was made on the entire road.

Ms. Rowden noted that the Town Engineer and the applicant's engineer should come up with the plan for the drainage for the easements on the property and the driveways and submit it to the board so it can be part of the plan and included in the easement language.

Ms. Estabrook asked if the preliminary access for the driveways has been done and does the Road Agent do that? Mr. Pivero noted that the determination was mostly for sight distance and that would determine where the driveways would go; he takes care of that.

Mr. Quintal stated he would work with whoever he needed to about the driveways.

Mr. Doggett asked if there were any abutters who wanted to speak. Mrs. Frake, 9 Currierville Road stated she was the person who had asked for the reconsideration of the waiver. She was concerned with increased rainfall and flooding, and that removal of trees would weaken the soil structure. She noted there is a beaver dam and a pond on the property, and the road has been washed out before. She was also concerned about the tree canopy on the property.

She wanted to know how much the developer would be allowed to fill up the area that was designed at water, and if they could clear-cut the wetlands. Mr. Quintal explained you can cut trees in wetlands as long as you do not disturb the surface or take out the stumps.

Trish McCarthy, Conservation Commission, reported that she and Nancy Slombo walked the property and met Unitil and the developer regarding the potential tree removal for the driveways and utility poles.

Mr. Doggett opined he did not think there was any reason to pave the road and that he agreed that Mr. Quintal has made a reasonable proposal for what could be done along the frontage of the properties. He would like to see the Town Engineer or the Road Agent work with Mr. Quintal to come up with a plan that covers the stretch of road in front of Mr. Fitzgerald's development. Mr. Pivero noted it should be the Town Engineer.

Ms. Estabrook was concerned that with the easements at the front of the properties, people would get the idea that the road improvements would be happening now. Mr. Doggett reiterated that Mr. Quintal had stated the added gravel was to improve the surface of the road *as it is now* and the easements would be for *any future work*.

Mr. Hamel asked what the width of the road was in front of Mr. Fitzgerald's property. Mr. Fitzgerald noted it was 18' along the entire 1,000 feet of frontage.

Mr. Quintal noted he could show the easement across the entire front of the properties on an updated plan, and notate the gravel to be added to the road.

Mrs. White asked that there be a figure from the Town Engineer for a road bond for damage in front of the property. Mr. Doggett stated that there should also be a figure for a completion bond for the completion of that stretch of road.

Mr. Quintal asked for a list of what the board wanted added to the updated plan. The notes that should be added are: Note the gravel that will be added and how much; show the easement across the front of the lots; include a bonding dollar number for road damage, and a dollar number for a completion bond.

There was significant discussion regarding leaving tree buffers. Mr. Quintal explained aggressive cutting is good for the understory for the small animals and promotes new growth. Mr. Fitzgerald noted he would be having a forestry person flag the trees that needed to come down and he would be cutting to promote that growth. Mr. Pivero stated that he would prefer no trees at the road edge for drainage.

Trish McCarty noted some Conservation members has done a site walk, but had not had an official meeting yet. Conservation would like to see the water flow toward the wetlands.

Mr. Hamel noted a correction needed for page one of the plans at Note 4. The ordinance number should be XXVI and not XXX1. Mrs. Quintal will make the correction on the updated plan.

Mr. Fitzgerald asked if the board would consider giving a conditional approval so they could start the process quicker. The board came to a consensus that there were too many items that needed to be added to an updated plan for a conditional approval.

Mr. Hamel made a **Motion** to continue the Public Hearing for Father & Son Realty Trust, Todd Fitzgerald, 5-lot Subdivision, Currierville Road (Map 15 Block 2 Lot 1-1) to October 9; seconded by Mr. White with a unanimous vote.

## **2. Non-Binding Discussion – Gregory Cunningham, 185 S. Main Street, Compliance with Site Plan.**

Mr. Cunningham is proposing running a landscaping business at this address and has submitted a preliminary sketch of what he wants to do. After discussion, the board directed him to submit a minor site plan with some more detail and compete an official application to be placed on the agenda a for a public hearing.

Ms. Rowden also noted that since it is a state road, he would need an amended driveway permit from the state.

The board had received a memo from the Fire Department regarding the office/storage space they were utilizing on the property. They provided Mr. Cunningham a copy of that letter and directed him to contact the Fire Department regarding the matter.

**3. Continued Discussion of Stormwater Management Ordinance.**

This was tabled until the October 9 meeting.

**4. Board Business and Correspondence**

**a. Minutes**

**August 28 minutes approved by Jim White; seconded Barbara White. Mr. Hamel had several corrections to the minutes which were then accepted unanimously.**

**b. Manifests:**

**Mr. Hamel moved to pay the NPREA manifest in the amount of \$27.00; Mr. Zalensky seconded with unanimous vote.**

**Sandra Estabrook moved to pay the Operating Budget manifest in the amount of \$61.94; Roger Hamel second with unanimous vote.**

**Bond reduction - Puzzle Lane Maintenance Bond Reduction.** The board has received a memo from the Town Engineer recommending that the amount of \$68,954.55 be released to 125 Development for the Road Maintenance Bond.

**The Board motioned to send a letter to the Selectmen asking them to release the funds back to 125 Development.**

**Other**

Mrs. White submitted an amended Voluntary Lot Merger (VLM) procedure which the board had previously accepted. Board consensus accepted the changes; the title was renamed VLM Guidelines and the RSA number will be included.

**5. Adjourn**

Barbara White motioned to adjourn at 9:30, second by James White with a unanimous vote.

Minutes submitted by Barbara White