

**NEWTON PLANNING BOARD  
MINUTES OF MEETING  
September 26, 2017**

**Call to Order:** Chair Barbara White 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, Charlie Melvin, Sandra Estabrook, Alternate Paul Szot and Circuit Rider Planner Jennifer Rowden. Minutes were transcribed by Administrative Assistant Gail LeBlanc.

Paul Szot was appointed a voting member tonight in J. Holland's place.

The meeting began with a salute to the flag.

**1. Conditional Use Permit (Accessory Apartment) Dana and Tiffany Rabito, 5 Lincoln Road (Map 10 Block 10 Lot 32)** Chair B. White opened the conditional use permit public hearing. She asked if there were any abutters present? No abutters were present. Dana Rabito appeared before the PB to request approval of an accessory apartment for his in-laws. J. Rowden stated that at this point the applicant has met all requirements for issuing the conditional use permit. She stated the applicant should meet all necessary building permits before the accessory unit is occupied and construction begins.

J. Doggett asked if the septic design would be completed before construction begins. Mr. Rabito answered no, but the septic design will be completed before occupancy of the unit.

**J. Doggett moved to take jurisdiction of the application. C. Melvin second with unanimous vote.**

**J. Doggett made a motion to grant a conditional use permit for an accessory apartment with the following conditions:**

- 1. Applicant to obtain all necessary building permits;**
- 2. Have a septic design/plan on file with the State for a replacement;**  
**and**
- 3. All fees be paid.**

**C. Melvin second with unanimous vote.** B. White closed the public hearing.

**2. Subdivision (2 lot) Robert Lang, 2 New Boston Road (Map 10 Block 1 Lot 13)** B. White opened the public hearing. Dan Malley of Civil Construction Management stated he was appearing before the PB tonight seeking approval for a proposed two lot subdivision at 2 New Boston Road. He said they have received State subdivision approval. He stated all regulations have been met except for placement of monumentation. Upon approval of a conditional use

permit, the certificate of monumentation and production of a final Mylar will be prepared. R. Hamel said the plan shows several structures within the setback and asked if they were going to stay there. Mr. Malley stated that one of the structures has been removed, one is moveable, the other one is not necessarily moveable, but within 10' of the proposed property line. J. Doggett asked if the existing well was going to be abandoned. D. Malley said they are showing a proposed well location "in the event that contamination were an issue". S. Estabrook noted that the existing well encroaches upon the new property line. J. Rowden said that is allowable under law, and that the proposed well would be entirely on the new lot.

S. Estabrook asked if a driveway permit had been obtained yet? No, the driveway permit cannot be applied for before the building permit is issued. S. Estabrook noted that the stone wall depicted on the drawing is gone and the beginning of a driveway has been cut in. J. Doggett commented that stone walls were to remain on scenic roads; New Boston Road was not designated as a scenic road. **J. Doggett made a motion to take jurisdiction. C. Melvin second with unanimous vote.**

B. White asked if there were any abutters present and if they would like to speak. James Sieczkowski of 84 North Main Street stated that he was against the subdivision. He's lived at his home approximately 30 years. He's spent ten years planning, saving and researching to build his house. He takes exception to having his privacy and peace taken away from him. B. White stated that people have a right to split their property if they meet the ordinances and regulations.

Tom Cloutier of 8 New Boston Road said he has no problem with the subdivision. There have been issues that he does have a problem with. He stated Mr. Lang parks his tractor 10' from the lot line and some dirt has been disturbed since last year. Mr. Cloutier has brought it up to the Town and State and they say there is nothing they can do. B. White said if there were violations, he should contact code enforcement. Mr. Cloutier said he was here tonight to express his feelings. Mr. Cloutier stated that Mr. Lang has disturbed land and cut trees to put the driveway in. He said Mr. Pivero, Road Agent, told Mr. Lang to cease and desist and to do no more work on the driveway until a driveway permit is obtained. He said Mr. Lang removed the tractor and replaced it with the logs that were cut down.

Mr. Cloutier is suspicious of what is under the logs where the tractor was. Mr. Cloutier said he was suspicious when the old barn disappeared and no one believed him. It turned out the barn was demolished and buried on the property. J. Rowden stated that if Mr. Cloutier felt that Mr. Lang was in violation of town code, he should contact Code Enforcement and make a complaint. A few things he brought up appeared to be civil matters and should be taken up with an attorney; it's not that the PB is not hearing him. J. Doggett stated they were before the PB tonight for approval of the subdivision of two lots. C. Melvin stated that the Road Agent would determine where the driveway goes when he applies

for the permit. J. Rowden stated that the State subdivision approval needs to be noted on the plan. It meets all the site plan regulations with the exception of the monumentation.

**J. Doggett made a motion that the subdivision be approved with the following conditions: the monumentation must be completed, that the applicant meet with the assessor to assign the street number, any structures within 200' of the boundaries must be noted on the plan, and that the State subdivision permit number be noted on the plan.** The updated plan should not show any buildings that are not there, and should show where the moveable shed is moved to. There was no second to the motion.

There was a discussion about the permanent accessory building. The building would be approximately 10' from the proposed new lot line. Current zoning stipulates a 25' boundary. The PB cannot approve a non-conforming situation/lot. **R. Hamel made a motion to continue the public hearing until October 10, 2017. Second by P. Szot with unanimous vote.**

**3. Amended Site Plan, Coleman McDonough, 27-2 Puzzle Lane (Map 14 Block 1 Lot 27-2 B.** White opened the public hearing. Scott Frankiewicz of Brown Engineering and Surveying spoke on behalf of Coleman McDonough, 125 Development. He stated they were here tonight seeking approval of an amended site plan. The original site plan was approved January 19, 2006. He noted the similarities between the two plans. The two buildings are the same – 100' x 82', 8,000 sq. ft., same location, same access location off Puzzle Lane, parking in front of building 1 is the same, the parking between building 1 and 2 has been reduced by 20 parking spots to eliminate the impact to the site.

The drainage is essentially the same. There are two swails on either side and a wet pond in the middle. The septic system is in the same location and in the process of being reviewed. The septic system is built for 24 people. They are proposing one well as opposed to two wells. The dumpster location is the same. The lighting on the exterior of the building remains the same. The landscaping has been pared back slightly. Access to the building stayed the same.

Modifications include: on September 9<sup>th</sup> the wetlands were flagged, he has prepared plans with the new wetlands. He does not have them with him tonight – he was waiting to see if there are any other changes. He will provide them to the PB if they'd like. The original plan impacted the wetlands buffer by about 31,000 sq. ft. They've reduced it to two small areas. They've eliminated parking spaces from 28 to 11 by Building 2 to reduce the wetland buffer impact. Overall they've reduced the wetland buffer impact from 28,275 sq. ft. to 1,900 sq. ft. which reduces the overall original impact of 120,000 sq. ft. to less than 100,000 sq. ft. which does not require an AOT permit. The islands in the parking lot have been eliminated.

125 Development was granted an Equitable Waiver by the Board of Appeals for the two building setbacks. Zoning at the time required 30' setbacks, new zoning requires 50' setbacks. They will be going before the Board of Appeals for relief of the wetland buffer impacts on October 16, 2017. R. Hamel noted that they were not disturbing the wetlands, but the wetland buffer.

J. Rowden noted a couple of considerations. One of the requirements for site plan application is to provide an existing conditions plan. The plan that was submitted shows no development. She suggested before they accept jurisdiction they get a current existing conditions plan showing the buildings. Existing condition plans show what is there. The plan should be dated. Existing conditions show any changes that may have occurred. She acknowledged that they recently had the wetlands surveyed. J. Rowden suggested the PB get a stamped copy of the wetland designation.

J. Doggett noted that the plans do not indicate snow storage. They will be supplied with the final plan. J. Rowden reviewed the memo from the Town Engineer regarding Map 14 Block 1 Lot 27-2. J. Rowden recommended the PB not accept jurisdiction tonight. **J. Doggett moved to continue the public hearing until October 10. C. Melvin second with unanimous vote.**

#### **4. Other Board Business and Correspondence**

**a. Acceptance of Minutes from 9/12/17 J. Doggett made a motion to accept the minutes from the 9/12/17 meeting. C. Melvin second.** R. Hamel asked that the minutes reflect that the Non-public Hearing began at 6:30 PM. The Call to Order section should follow the non-public section. Under non-public it should be noted that S. Estabrook and J. Holland both voted "aye". **All in favor to accept the amended minutes.**

**b. Manifests: J. Doggett moved to approve the Operating Budget manifest in the amount of \$4,960.92. C. Melvin second with unanimous vote.**

**J. Doggett moved to approve the NPREA manifest in the amount of \$194.05. C. Melvin second with unanimous vote.**

#### **c. Correspondence**

The PB received a request from the State of NH DMV for information regarding an inspection station application for Early & Sons, Inc. **J. Doggett moved that the Chair sign the inquiry. Second by J. White. Motion passes. R. Hamel and C. Melvin abstained.**

A copy of the Alteration of Terrain Permit Application was received for the new fire station.

A copy of a local PB decision was forwarded as an FYI from Town Counsel.

A sample copy of a PB form from Stratham was received from the Town Assessor. The PB members discussed the merit of the form.

**5. Adjourn: J. Doggett moved to adjourn at 8:53 PM, second by J. White with unanimous vote.**

Meeting adjourned at 8:53 PM.

Respectfully Submitted,

Gail M. LeBlanc  
Administrative Assistant  
Newton Planning Board