

**NEWTON PLANNING BOARD  
MINUTES OF MEETING  
October 23, 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, Charles Melvin, Alternate Paul Szot and Circuit Rider Planner Jennifer Rowden.

Also in attendance were: Applicant Todd Fitzgerald and his representative PE Dennis Quintal; Applicant Gregory Cunningham; Applicant Albert Trudel's representative Charlie Zilch from SEC Realty Trust; and Conservation Commission member Trish McCarthy.

Minutes were taken and transcribed by Barbara White.

The meeting began with a salute to the flag.

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

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

Mr. Quintal reviewed the additions made to the plan since the last meeting with the Board:

- Inclusion of the State Subdivision approval number
- Addition of 15' wide grading and drainage easements along the frontage of all lots
- The location of septic reserve areas for some lots has been shifted away from the front of the lots due to the easements
- Driveway entrance detail for all lots has been added

Mr. Hamel noted an error in reference to the Section number for the waiver, which will be corrected on the final plan.

Mr. Quintal noted that sediment control will be in place during construction, and that a Wetland Delineation Report was provided to the Conservation Commission per their request. He also provided a copy of that report to the Board for their files.

Mr. Melvin asked about tree removal (at the edge of the road). Mr. Quintal stated that trees needed to be removed for the driveways and dead trees would also be removed at the same time so as not to be an expense to the town. Any future tree removal would ultimately be up to the individual lot owners.

The driveway detail shows the grading from the street to the lots, showing there will be no water running from the driveways into the street.

Mr. Quintal noted a \$10,000 off-site improvement bond/letter of credit amount was recommended by the Town Engineer, as well as a \$5,000 bond/letter of credit to cover potential damages to the road. Mr. Doggett noted that as per the Town Engineer, the amounts were actually \$11,400 and \$5,700, which included engineering and contingency fees.

They will be using crushed asphalt in place of the gravel, as it packs better and will last longer.

2

Mr. Doggett appointed Mr. Szot as a voting member for Mr. Holland.

Mr. Doggett asked if there were any abutters who wished to speak. Hearing none, he opened for board comments.

Mr. Melvin opined all subdivisions needed to be on town approved roads and he did not think that Currierville was a town approved road. Mr. Doggett noted Currierville Road was a class 5 town approved road, and by town vote it is not paved.

Mr. Doggett asked for a motion to approve the plan with the following conditions:

- Provide a Mylar with all appropriate stamps;
- Set the bounds;
- Acquire all necessary state and federal permits;
- Provide a \$11,400 bond/letter of credit for off-site improvements; and
- Provide a \$5,700 bond/letter of credit to cover additional grading of the road.

**B. White moved to approve the 5-lot Subdivision for Currierville Road (Map 15 Block 2 Lot 1-1) with the above-listed conditions; second by S. Estabrook.**

**4 in favor - J. White, J. Doggett, P. Szot and B. White. 3 opposed - C. Melvin, R. Hamel and S. Estabrook. Motion passes 4-3.**

The Notice of Decision will be completed on Thursday. Mr. Quintal and Mr. Fitzgerald thanked the board. Mr. Quintal will provide 3 large copies of the final plan to the board, along with the Mylar for recording.

Mr. Doggett closed the public hearing.

**2. Public Hearing – Ground Care Landscaping LLC, Gregory Cunningham, Manager, 185 S. Main Street, (Map 14 Block 1 Lot 25) Minor Non-Residential Site Plan.**

Mr. Doggett opened the public hearing for Ground Care Landscaping LLC, 185 S. Main Street, Minor Non-Residential Site Plan.

Mr. Hamel pointed out lot 14-01-27-3 was not included on the list of abutters. It was noted that unfortunately since an abutter was omitted from noticing, the public hearing could not continue this evening. The public hearing would need to be continued to November 13 and the abutter will be noticed for that date.

Mr. Cunningham had been before the board on September 25 for a non-binding consultation and was here tonight to make his presentation to the board.

Ms. Rowden noted the application is complete, but suggested incorporating his area configurations drawing on a larger copy of the original site plan.

Mr. Cunningham was offered the opportunity to make his presentation knowing no decisions could be made this evening, and that he would need to present it again on the 13<sup>th</sup>. The board could make non-committal suggestions only tonight.

3

Mr. Cunningham explained there were changes from the plan he presented in September and itemized those changes. They will be included on the final plan presented to the board.

- In light of the concerns regarding the salt bin by the town and the costs to fully enclose the pile and loading zone, they have removed the salt bin from the plan.
- Equipment parking is shown in the bin area, as well as vehicle and equipment parking in the storage container area.
- They have removed the planters along the road from the original plan and will use jersey barriers instead.
- They are proposing to add a gate for security reasons in the bin area to lock up supplies and vehicles.
- They have indicated 2 storage containers along the property line to be used for storage of equipment and to back the enclosed trucks up to for minimization of theft.

Ms. Rowden asked about hours of operation; Mr. Cunningham noted it was mostly Monday through Friday with an occasional Saturday. In the winter with plowing, the hours could change. Mrs. White suggested they ask for hours that span from Monday to Saturday to accommodate the occasional times they might be working on Saturdays.

Ms. Rowden also asked about the amount of brush they would be storing. Mr. Cunningham noted it would be downed branches and they would be stored only for a short time and then be removed. Ms. Rowden noted for the board that storage of brush only within the bins could be a condition of approval.

Mr. Szot asked about the salt in the plow trucks. Mr. Cunningham noted the trucks were self-contained and there would be very little spillage.

Mr. Cunningham has been in contact with the Fire Chief and Fire Engineer regarding their letter, and has applied for the driveway permit to the NH DOT. He has also checked with the building department to see if he needed any permits for stacking of the bins; they said he did not.

As there was concern regarding the allowable setback from the property line for the material bins, Mr. Cunningham decided to move their location and that will be shown on the new plan. He ensured the board there was be no digging involved for the placement of the bins; they would be placed on top of the existing paved area.

Mr. Doggett asked if Mr. Cunningham was still considering opening for sales to the public. He answered upon reconsideration, he decided not to.

Mr. Cunningham has submitted a rendering of his proposed sign. Ms. Rowden stated the ordinance allows up to 32 square feet for signs in the commercial zone. Mr. Szot asked if the address would need to be included on the sign. Mr. Doggett stated there is already an address on the building and each unit is identified as Unit A, B or C. Mr. Cunningham's unit is "C".

Mr. Doggett stated he would send out the additional notice for the Nov. 13 public hearing.

There being no further questions, Mr. Doggett asked for a motion to continue this public hearing.

4

**Mrs. White moved to continued the public hearing for Ground Care Landscaping LLC, 185 S. Main Street, Minor Non-Residential Site Plan to November 13; second by S. Estabrook with a unanimous vote.**

Mr. Cunningham thanked the board.

**3. Albert Trudel, SEC Realty Trust, LLC, 8 lot Subdivision, 141 South Main Street (Map 14 Block 1 Lot 4).**

Mr. Charlie Zilch made the presentation to the board for the 8-lot subdivision.

Sheet 1 – the property is located on west side of main street across from Wentworth drive, with Pheasant Crossing on the South side and a ROW from Walnut Farm on the West side of the property.

Sheet 2 – the existing conditions plan shows a 24.59-acre site with 1,200 feet of frontage on South Main Street. There is an existing single-family dwelling with a septic system and well, and an existing driveway across from Wentworth Drive. There are several wetlands areas on the property which have been identified by a Wetlands Scientist. The site is predominately wooded with well-drained upland soils.

Sheets 3 & 4 – the subdivision plan shows 8 residential building lots with the required amount of frontage. Seven (7) lots have square footage of between 1.44 and 1.85 acres, and one (1) lot consists of the remaining 12.53 acres of the original 24.59 acres. The existing house and out buildings on lot 12-1-4-5 would be razed.

Sheet 5 & 6 – Sheets 5 & 6 show the buildable areas and septic and well locations for each of the lots. Test pits have been dug and meet all requirements. As per the NH DOT, 4 driveway access points are allowed from this property, and they have shown 4 shared driveways, which meet all site distance requirements.

Sheets 7-13 – Shows the driveway detail for all 8 lots.

The proposed driveway between lots 4-6 and 4-7 utilizes an existing woods road. All the driveways impact wetlands at the front of the lots, and they have applied for their DES wetland crossing permits. They are waiting for their dredge and fill permits from the state, and they are also waiting for their state subdivision approval.

They have asked for no waivers from the regulations or ordinances, and plan to sprinkle all the houses.

They will install 36" pipe under the driveways to allow for water flow and animal migration. Mrs. White was concerned the large size of the pipe could allow a child to enter it. Mr. Zilch explained the larger size pipe was to prevent the entire height of the pipe to be flooded with water, and also could *prevent* children or animals from being stuck inside.

Mr. Melvin asked if there were any calculations of increased water flow as the Pheasant Lane area has flooding problems now. Mr. Zilch noted until the comments from the Town Engineer, he was unaware of the problems on Pheasant Lane and they will have their Engineer revisit that issue. He noted possible solutions could include stormwater areas or rain gardens.

5

#### Sheet 14 – Test Pit Data

Mr. Melvin asked about the ROW to the Walnut Farm property from Rt. 107. Mr. Zilch had seen nothing in the deeds regarding that ROW but would look into it.

The length of the driveway between lots 4-6 and 4-7 is approximately 600 feet. The Fire Department was concerned about the length of the driveway. Mr. Doggett noted there was no room for emergency equipment to turn around. Mr. Zilch will look into possible solutions for this. Ms. Rowden noted there was nothing in the ordinances regarding a maximum length for driveways.

Ms. Rowden noted nothing is incomplete or missing from the submitted plans, but recommended the flooding issues brought up by the Town Engineer be investigated.

She was concerned about the shared driveway directly across from Wentworth Drive. Although it would incorporate an existing driveway and not require an extra driveway cut, increased traffic at that point could potentially be concerning and dangerous.

It was suggested the applicant consider having the driveway for lot 4-6 branch off the long driveway to lot 1-4 which is already shown to share with lot 4-7.

Mr. Zilch stated they would be submitting the language regarding the shared driveways. It would also be recorded on the individual deeds.

Mr. Melvin asked about tree removal. Mr. Zilch stated they would cut for the driveways, sight distance and drainage and will leave as many trees as possible. They have no intentions of clear-cutting.

**Mr. Hamel moved the plan was complete and to take jurisdiction for the SEC Realty Trust, LLC, 8 lot Subdivision, 141 South Main Street (Map 14 Block 1 Lot 4); second by Mr. Szot with a unanimous vote.**

Mr. Hamel asked if the applicant had considered placing the proposed house for lot 1-4 to the north and accessing it via the driveway between lots 4-1 and 4-2. It looked as if it would be a much shorter driveway. It was noted then there would be 2 wetlands crossing.

Mr. Zilch will meet with the fire chief regarding his concerns with the length of the road and access for emergency vehicles.

Mr. Szot asked if the plan followed the MS-4. Ms. Rowden stated this area is not in the MS-4 area.

Mr. Doggett opened the floor to abutter's comments.

Mr. Stewart asked if they were going to do anything to the wetlands at the north end of the property - lot 4-1. Mr. Zilch stated they were not going to be doing anything to the wetlands.

Mrs. White asked if the shared driveway language would need to be included on the plan; Mr. Doggett agreed it would be good to have it on the plan but it would be more important to be on the individual deeds. Ms. Estabrook noted the subdivision regulations require that language to be included on the plan.

6

**Mr. Szot moved to continue the public hearing for Albert Trudel, SEC Realty Trust, LLC, 8 lot Subdivision, 141 South Main Street (Map 14 Block 1 Lot 4) to November 13; second by S. Estabrook with a unanimous vote.**

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

##### **a. Minutes**

**Mr. Hamel motioned to approve the October 9 minutes; second by S. Estabrook, Mr. Szot abstained. Minutes approved.**

##### **b. Manifests:**

**Mr. Hamel moved to pay the NPREA manifest in the amount of \$536.09; Mr. Melvin seconded with unanimous vote.**

**Mr. Hamel moved to pay the Operating Budget manifest in the amount of \$87.72; J. White second with unanimous vote.**

##### **c. Budget**

The board discussed the 2019 Planning Board budget and moved some figures around to cover certain items perceived to increase.

- \$50 into Dues & Subscriptions for a new total \$4950 (was \$4901)
- \$50 out of Legal for a new total \$4000 (was \$4050)
- \$800 out of Equipment Purchase a new total of \$900 (was \$1,700);
- \$500 into Circuit Rider Contract for a new total of \$12,945 (was \$12,444) (\$500 was from Equip Purchase)
- \$300 into Copies for a new total of \$500 (was \$200) (\$300 was from Equip Purchase)

The Circuit Rider Contract was rounded up to \$12,945 (was \$12,444) before the addition of the \$500.

The Dues and Subscriptions was rounded up to \$4,950 (was \$4,901) before the addition of the \$50.

All other line items will remain unchanged from the 2018 budget. The total budget request is \$49,555.

Mr. Doggett noted the Planning Board has had a level budget for the past 4 years.

**Mr. Melvin moved to accept the budget for 2019; P. Szot second with a unanimous vote.**

Mr. Doggett will make the changes and submit the budget to the Selectmen on Nov 25<sup>th</sup>.

#### **d. Voluntary Lot Merger**

The Board received a Voluntary Lot Merger (VLM) from the Assessing Department for 49 and 51 Wilders Road. The board reviewed the request and ascertained it was compliant with the ordinances by making it less non-conforming.

7

**Mr. Melvin motioned to authorized the Planning Board Chair to sign the VLM; second by J. White with a unanimous vote.**

The VLM will be sent to the Registry for recording.

**e. Correspondence.** There was no correspondence.

#### **Other**

**Legislative Forum** Ms. Rowden reminded the board there was a Legislative Forum to be held on November 7. The topic is *Growing Younger: Reversing the Demographic Trend in New Hampshire*. It will be in held in Hampton, NH at the Unitil Headquarters, 6 Liberty Lane West. There is no charge to attend and light refreshments will be served. RSVP by November 1 to 778-0885.

**Newspaper Noticing** Mrs. White noted as per previous conversation regarding newspaper noticing, if that was something the board wished to discontinue, they would need to remove that stipulation from the Planning Board Rules of Procedure 12.0. She reminded the board that the cost for the noticing was borne by the applicants and did not come out of the PB budget.

Mr. Hamel reminded her his previous concern was for the timing of the public hearings and not the cost. Noticing added to the length of time for application receipt and the actual time when public hearings could be scheduled. Mrs. White noted that at the present time they use the Carriage Towne News, which has a long submission schedule as opposed to when it would appear in the paper. The alternative would be to publish in a different newspaper with a shorter schedule, but that would make the cost to the applicant higher.

Mrs. White opined newspaper noticing was beneficial as not everyone checked on the town website or visited the post office or town hall where notices were posted. No decision was made on this subject.

**Stormwater Standards** Ms. Rowden asked if the board could dedicate the November 27 meeting to complete the review of the stormwater standards as they had skipped the reviews for several meetings due to the large agendas. She would also review what has already been covered. The Board agreed.

#### **5. Adjourn**

R. Hamel motioned to adjourn at 9:20, second by B. White with a unanimous vote.

Mr. Doggett closed the meeting.

Minutes submitted by Barbara White

Planning Board Minutes October 23, 2018 / Regular Planning Board Meeting

All minutes are in draft form until approved by the Planning Board.

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