

NEWTON PLANNING BOARD
MINUTES OF MEETING
August 22, 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, and Circuit Rider Planner Jennifer Rowden. Minutes were transcribed by Administrative Assistant Gail LeBlanc.

The meeting began with a salute to the flag.

1. Kinsley Corner - George Twiss (131 North Main Street) and Atty Hogan:

Attorney Scott Hogan gave a quick overview of his interactions with the PB. Atty Hogan sent a letter to the Planning Board in February, 2017 regarding the Duplex Cluster Development behind George Twiss' property. The last time they were before the PB was June 13, 2017 and they raised issues about the compliance with the PB's approval of this project.

The two issues he specifically addressed were the buffering between the existing residential properties and the drainage. Part of the zoning ordinance ensures that the project does not adversely impact the properties or the citizens of the town. It also addresses maintaining the rural character of the town. When this was originally before the Board in February 2013, Mr. Twiss came before the PB and expressed concerns about poor water drainage and asked if the tree line buffer could be retained. Mr. Hogan presented to the PB pictures of the before and after the construction of the project.

Ms. Rowden stated that the town did its due diligence in regards to the drainage. Ms. Rowden recommended that Mr. Twiss go to Code Enforcement and the Board of Selectmen for relief. She stated that the PB has no authority over this complaint. Mr. Hogan stated that he and Mr. Twiss went to Code Enforcement and was told this was not a code enforcement issue and was referred back to the PB.

Code Enforcement had suggested that the Town Engineer be contacted to review the site. The Town Engineer visited the site two different times and concluded everything (buffers and drainage) was done according to the plan. Ms. Rowden stated she believes this is a Code Enforcement issue and Mr. Twiss should go back to Code Enforcement and the Board of Selectmen. She stated that PB does not have jurisdiction on this. Mr. Doggett stated that the PB has no authority after signing a plan. Complaints then go to Code Enforcement.

Mr. Hogan stated he needed a decision tonight. Ms. Rowden advised the PB not to make a motion either way. No Planning Board member made a motion for a decision. Ms. White stated the PB was unable to make a decision on this matter.

An abutter to the property asked if she could make a comment. Ms. White asked her to come to the podium and introduce herself. She introduced herself as Jennifer Hever of 4 Kerry Drive. Ms. Hever stated that she lives on Kerry Drive and that contractors were laying the leach field for one of the condos being currently built. She was concerned about the distance of the leach field to her well. Ms. Hever was advised to contact Code Enforcement.

Mr. Twiss asked to make a statement and was directed to the podium. Mr. Twiss told the PB that he has lived in his house since 1988, he's paid his taxes and enjoyed his view. He said that even though all the abutters said no at the first/initial meeting for the subdivision, it was still approved. He stated that he thinks the town should have more consideration for the people living in town.

2. Preliminary Consultation: Home Based Business Jordan Shactman, 113 North Main Street (Map 9 Block 3 Lot 8) Mr. Melvin excused himself. Jordan Shactman appeared before the PB for a preliminary consultation regarding a Home Based Business. Mr. Shactman wants to use a small area in his side yard to operate a business selling 2-3 vehicles. Ms. Rowden asked about the proposed parking area. He said he would like to park 2-3 cars outside for sale.

Ms. Rowden stated that the Newton zoning states that the exterior must not create or display any evidence of the home occupation/home business, except for a permitted sign. R. Hamel stated that parking cars would be considered storage of materials which is not allowed under the ordinance. B. White stated that this would be the equivalent to a used car lot in a residential area. J. Doggett stated an option would be to store the vehicles inside the (proposed) garage. R. Hamel stated that current zoning allows for one unregistered car on a property.

Ms. Rowden stated Mr. Shactman could apply to the Board of Appeals for relief. R. Hamel noted the application might be considered if his application for home based business stated his intention to store the cars for sale inside the garage out of site.

Mr. Melvin returned to the PB.

3. Preliminary Consultation: Amended Site Plan

Frank and Michael Quintana on behalf of SPE Real Estate, 185 South Main Street (Map 14 Block 1 Lots 24 and 25) Bruce Scamen, Engineer with Emanuel Engineering, made a presentation for the Quintana's. The current, approved site plan has expired.

Currently the Quintana's are running their business from Puzzle Lane and would like to move the business to this site. The Quintana's (Frank and Kim) live in town and would like to keep their business here in town. The site plan presented tonight is very similar to the original site plan. The existing buildings are out front and they would like to build a 30,000 sq. ft. building for storage of their supplies. The current septic system can handle up to 114 people working on site; far superior to what they need. The biggest change from the original approved site plan is that they are planning no outside storage. There is currently a tax preparing service in the existing building, who plans to stay. Quintana supply would occupy the rest of the office space to run their business.

The site has been leveled and all drainage installed. The purpose of tonight's consultation is whether the proposed use of the site is acceptable to Newton's zoning. B. White asked what type of supplies would be stored? Frank Quintana said they would be storing janitorial cleaning supplies – nothing hazardous or inflammable. It would be a distribution business.

It was the consensus of the PB that the Quintana's can move forward with their plan and go to Public Hearing for proposed wholesales and storage building. It is an appropriate use for the property.

4. Other Board Business and Correspondence

a. Acceptance of minutes from July 25, 2017: J. Doggett moved to approve the minutes of July 25, 2017. C. Melvin second with unanimous vote.

b. Manifests: J. Doggett moved to pay the Operating Budget manifest in the amount of \$103.28. R. Hamel second with unanimous vote.

J. Doggett moved to pay the NPREA manifest in the amount of \$942.34. C. Melvin second with unanimous vote.

c. Correspondence:

- The PB received a letter of interest from Paul Szot stating he would like to become an alternate member of the PB. **J. Doggett made a motion to appoint Paul Szot as an alternate to the PB. C. Melvin second.** Mr. Szot was given an opportunity to introduce himself. Mr. Szot lives on Brimstone Circle and was previously a full PB member. He is recently retired. **All in favor to appoint Paul Szot an Alternate PB member until April 1, 2020 (after the election).**
- The Alteration for Terrain Permit has been received from DES for the new fire station. The groundbreaking is set for September 5th at 5:30 PM.

- B. White addressed something not on tonight's agenda. She wanted to discuss Lot 27-2. Puzzle Lane, has submitted their application to the Board of Appeals for an Equitable Waiver of Dimensional Requirements. B. White stated that there were several statements on Mr. McDonough's applications that are incorrect. Along with a review being prepared by Ms. Rowden to the BOA, B. White will be preparing a letter. It is not the intent to impede progress, but to correct the inferences on the BOA application. B. White would like to clear the facts so there are no misunderstandings as there are a few aspects of the application that are incorrect.

The PB did approve the site plan, but that was many years ago and the plan has since expired. There was a statement that the PB made a mistake in granting a building permit. A lot of things need to be made clearer. Ms. Rowden stated she does not think Mr. McDonough is eligible for an Equitable Waiver. Part of the application states that project has achieved substantial completion. The foundations have been poured. Mr. McDonough's attorney stated that Mr. McDonough has made active and substantial progress. Active and substantial progress has been made on the Puzzle Lane development, but not on Lot 27-2.

B. White has asked that the BOA members sign the site plan so that the PB can insure that both Boards are seeing the same plan. J. Rowden said she will prepare a standard review. B. White will draft a letter and Ms. Rowden will "tweak". **J. Doggett made a motion to authorize the PB Chair to confer with the Circuit Rider and prepare a letter (or letters) to further educate the BOA on matters relating to Lot 27-2. R. Hamel second with unanimous vote.** After the draft is prepared, it will be sent out to PB members. PB members are not allowed to comment, that would be considered a meeting. The draft is being shared for member's knowledge.

- Employee evaluations are due to the Board of Selectmen by September 14, 2017. The PB will hold a non-public session at 6:30 PM on September 12th before the PB Public Hearing to go over the AA's evaluation.
- The PB has received a donation of three file cabinets from Vanessa Swasey. We would like to thank Ms. Swasey for the generous donation.
- Ms. Rowden talked about the Stormwater Regulations. There are grant funds available. The MS4 regulations are set to go in effect next July. RPC is offering 50% match grants. Ms. Rowden said some of the surrounding towns have been successful forming MS4 stormwater work groups. To comply with the permit, many departments are involved. It is a fairly complex application. Ms. Rowden asked if the Planning Board would like to submit a letter of support for the project to the RPC. The Board agreed.

R. Hamel made a motion to authorize the PB Chair sign a letter of support (as amended) to the RPC. S. Estabrook second with unanimous vote.

5. Adjourn: J. Doggett moved to adjourn at 9:01 PM, second by C. Melvin with unanimous vote.

Meeting adjourned at 9:01 PM.

Respectfully Submitted,

Gail M. LeBlanc
Administrative Assistant
Newton Planning Board