

**NEWTON PLANNING BOARD  
PUBLIC HEARING AND MEETING MINUTES  
January 28, 2020**

**Call to Order:** Chairman Barbara White called the meeting to order at 7:00 PM.

In attendance: Chair Barbara White, Vice-Chair Roger Hamel, member: James White; Alternates Mary M. Allen, and Robert Zalenski; Ex Officio Lawrence Foote, and Circuit Rider Planner Jennifer Rowden.

The meeting began with a salute to the flag.

Chairman White appointed Mr. Zalenski as a voting member in Mr. Holland's absence and Ms. Allen to fill in for Ms. Estabrook.

**Public Hearing:**

Cristina R Curro and Marc G Rochon of Newton, NH request a public hearing for a 4-Lot Subdivision at 36 Thornell Road, Newton, NH. The property is referenced as Tax Map 6, Block 8, Lot 7-2.

Mr. Dennis Quintal, PE, of Civil Construction Management, Inc., presented an overview of the 49-acre project. He informed the Board that part of the plan calls for restoring a previously separate lot at 36 Thornell that had been merged into the larger lot.

Beside this lot, 2 other lots were to be subdivided from the larger lot. These 2 lots would share a driveway to reduce impact on the roadway and reduce the number of trees to be cut. The driveways will (all) be 20-feet wide and built to NFPA requirements and slope away from Thornell Road. Mr. Quintal explained the line-of-sight requirements. The developer has agreed to the Fire Chiefs request that the driveways be 20-feet wide and that the lot at #36 have a turn-around for emergency vehicles.

The developer has already met with Mr. Mike Pivero (the Road Agent) about drainage issues along that section of road. Mr. Quintal will take Mr. Pivero's input and add it to the next set of plans.

**Board Discussion:**

Ms. Rowden informed the Board that the application was complete even though the soil survey did not cover all 49 acres. It did cover all relevant areas of the site and that the Board may, if it wishes, move that the areas surveyed were sufficient for this subdivision but that any further subdivision of the largest remaining particle would need to be surveyed.

Mr. Quintal presented the waiver request.

Mr. Pivero brought up the issue of new houses being built along existing Town Roads. He suggested that for each of these possible lots, a \$5000.00 road repair bond. He believed that houses were being built (on Heath St.) without their bonds in place.

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Ms. White asked for a MOTION to take jurisdiction. Mr. Hamel **MOVED** to take jurisdiction at this time, seconded by Mr. White with a unanimous vote.

A discussion of the bonding process and impact fees ensued. The Board agreed to consider adding Impact Fees and Bonding to all future projects. Mr. Zalenski asked about the overall drainage and the MS4. He was assured that no runoff would flow onto the pavement.

Ms. White asked for a MOTION on the Waiver to reduce the payment into the NPREA account from \$5,000.00 to \$2,000.00. Mr. Hamel **MOVED** grant the waiver, seconded by Ms. Allen with a unanimous vote.

Ms. White asked for a MOTION to accept the limited soil sampling. Mr. Hamel **MOVED** to accept the limited soil sampling, seconded by Ms. Allen with a unanimous vote.

Abutter comments:

Ms. Marcella Vincent read a statement about 4 issues she has. (see attached) and concerns that there will be an increase in taxes due to the increasing population.

Mr. Batchelder asked if 36 Thornell Road was being treated as an existing lot or as a new one. He was informed by Mr. Quintal that it was a lot that was merged with the abutting larger lot and it is now being restored; as such it is considered a new lot.

Mr. Batchelder commented about the pond he owns near the property line with 36 Thornell Road and that he uses it for irrigation of his organic crops. He is worried about chemical run-off of lawn care and other potential hazards to his irrigation supply. He, further, asked if the driveway could be MOVED to the other end of the frontage and if the pond could be tested to establish a baseline of chemical pollutants.

Mr. Zalenski asked if the Conservation Committee had given input. He was informed that while they had been invited, no one from that committee had been able to make the meeting. Ms. Rowden suggested that there was still time to solicit their input.

There was a plethora of comments about run-off, water-flow and drainage being major concerns of the abutters. There was also concern whether Conservation was going to dictate the removing of any trees, as Thornell Rd is a scenic road. Mr. Pivero agreed that there are issues with water on the hillside. He informed those gathered that there were 3 culverts at this time and that a new drainage system would be added when the road is repaved this year.

Ms. Rowden suggested that the Board may wish to do a site-walk. The Board discussed the idea. Mr. Hamel **MOVED** to walk the land on Sunday February 9<sup>th</sup> at 2:00PM with a snow-date of February 16 at 2:00PM. Seconded by Ms. Allen with a unanimous vote.

Mr. Hamel **MOVED** to continue the Public Hearing to February 25<sup>th</sup>, seconded by Ms. Allen with a unanimous vote.

A brief recess, from 8:30-8:37, was called to allow visitors to leave the hall.

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## **Public Hearing (continuation):**

Mr. Hamel recused himself.

125 Development NH Corp of Plaistow, NH requests a public hearing for a 4 lot Subdivision and Lot Line Adjustment at 6 Puzzle Lane Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-3.

The Board briefly discussed that there was no request for a continuance nor any new information from the applicant. Ms. Rowden reminded the Board that the meeting was being held on the 65<sup>th</sup> day after taking jurisdiction and lacking the request to continue, the Board was legally obligated to make a decision.

Mr. Seth Allen, an abutter, inquired about whether the Board would still have oversight if they made a decision. He was assured they would.

Ms. Allen **MOVED** to deny the application based on its incompleteness, without prejudice; seconded by Mr. White with a unanimous vote. The Board noted that the Applicant would need to submit a new application with all applicable fees.

Mr. Hamel returned to the Board.

**Request for Reconsideration for a Citizen's Petition** - The Board received a request that they rehear and vote on the Board's recommendation on the Petition Zoning Ordinance Article that was voted on 1/14/2020. Chairman White announced that she has informed the requester that there is no legal process for the Planning Board to offer a rehearing on a Citizen's petition. The letter also questioned why Mr. Hamel had not recused himself from discussion of this article. Mr. Hamel restated that he saw no reason to recuse himself from this item as it was a proposed zoning ordinance change affecting the entire town. The Board took **NO ACTION**.

## **Other Board Business and Correspondence**

- a. Ms. White requested a motion to accept the minutes of 1/14/20 (public and non-public) meetings **MOVED** by Ms. Allen and seconded by Mr. White. Mr. Hamel had a minor correction to add the words "Light Industrial" to the introduction line for the Petitioned Warrant article. The amendment **MOVED** by Ms. Allen, second by Mr. Zalenski with a unanimous vote.
- b. Ms. White requested a motion to sign the NPREA Manifest in the amount of \$2569.46. **MOVED** by Mr. Hamel, second by Mr. White with a unanimous vote.

Ms. Rowden provided a brief history of the 200 feet setbacks from Light Industrial/Commercial to Residential.

**Adjourn** – Ms. Allen **MOVED** to adjourn at 9:04, seconded Mr. White with a unanimous vote.

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Respectfully Submitted,

James L. Doggett, AA  
Newton Planning Board

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