

NEWTON PLANNING BOARD
MINUTES OF PUBLIC HEARING AND MEETING
August 28, 2018

Call to Order: B. White called the meeting to order at 7:00 PM. In attendance were: Chair Barbara White, Vice Chair James Doggett, Planning Board members: Roger Hamel, James White, Charles Melvin, Alternate Paul Szot and Circuit Rider Planner Jennifer Rowden. Minutes were transcribed by Gail LeBlanc

The meeting began with a salute to the flag.

B. White appointed Paul Szot a voting member in Sandra Estabrook's absence.

1. Non-Binding Discussion Michael Doucet, 44 Bear Hill Road Applicant not present at 7:00 PM.

2. Public Hearing, Father & Son Realty Trust, Todd Fitzgerald, 5 Lot Subdivision Currierville Road (Map 15 Block 2 Lot 1-1) Chair White opened the public hearing. Dennis Quintal, Engineer, presented for Mr. Fitzgerald. Mr. Quintal stated that soil testing had been done. They have identified the wetlands. Looking at the soils between the wetlands and the street there are enough uplands to calculate for lot size requirements without considering the land in the back. The lots are rectangular. Each lot is independent. Test pits were dug along the front. Groundwork will take a few months. There will not be much ground disturbance. A silt fence will be put up to protect the wetlands. Most of the buildings are away from the wetlands. All lots meet the zoning requirements. They do not have State Subdivision Approval yet. They've submitted a waiver from Subdivision Regulation 8.2.3A – Stormwater Management Plan.

C. Melvin asked how far the leach fields are from the street? The State requires ten feet from the property line. The properties vary from ten to thirty feet from the street. C. Melvin asked if all the trees would be cut down? They want to maintain as much vegetation from the street as possible. Some thinning will have to be done. There will be selective cutting of the bigger trees. By opening up a canopy the smaller trees will grow. C. Melvin asked about cutting in the back. Mr. Quintal stated there would probably not be cutting in the back. Mr. Fitzgerald stated there is a lot of dead wood that needs to be taken out. He stated it would be similar to Chase Road.

Ms. Rowden stated at this point the Waiver should be taken up. She stated the application was complete at this time. It meets all subdivision requirements.

J. Doggett stated he would like to see a note on the plan establishing a 10' to 15' no cut along the edge of the road. Currierville is a scenic road. Mr. Fitzgerald stated that he is planning to meet with the Conservation Commission. He stated

they will be keeping as many trees as they can. Some trees will be cut to allow for utility poles. R. Hamel asked how wide the road is? He is concerned about development on an unimproved road. Board members spoke of the need for a road bond. B. White asked if the houses will be built one by one or if he'd be working on a few at a time? He replied possibly a couple at a time.

B. White opened the discussion for the Waiver for Stormwater Regulations only. Barbara Frake of Currierville Road spoke. She stated the water situation there is unpredictable. The road washed out approximately four times in six weeks. Larger culverts have been put in since then. The end of the road at Maple Street has flooded before. Testing now on the high parts doesn't tell you anything. She stated this is a delicate situation. She said people get water in their basement and things wash away. J. Rowden stated that none of this property is located on a flood plain, nor is the road on a flood plain map.

Nancy Slombo of the Conservation Commission spoke. She stated that the whole road is wet. Where is the water going? Are we going to flood the neighbors? She asked about obtaining a bond for the road. She spoke of the large trucks using the road during construction. The Chair reminded the audience that the discussion at this time was focused on the Stormwater Regulations Waiver. Ms. Slombo wants to know where all the water is going after putting the five houses in?

J. Doggett made a motion to grant the Waiver Request from Subdivision Regulation 8.2.3A – Stormwater Management Plan for Map 15, Block 2, Lot 1, to Father and Son Realty Trust. J. White Second. 5 in Favor; 1 opposed – C. Melvin. Motion carries

J. Doggett made a motion to accept the application as complete. J. White second. Motion carries.

Chair White opened the floor to the public. Michael Willet, 39 Currierville Road spoke. He stated he does not have a problem with the subdivision. He has a problem with the road. He stated the road is narrow. It's a dirt road. He said there are spots where two pick-up trucks cannot pass. In the spring time it is muddy; in the winter it's a sheet of ice. He does not think the road is big enough to take more cars.

Molly Wilson, Conservation Commission Chair. Ms. Wilson lives on Heath Street. She owns horses and uses trails throughout town. She's concerned that if the subdivision is approved they'll lose a trail that runs along the back of the properties. She asked about the option of a right of way or public easement. She said they would lose a trail that connects two conservation areas together. B. White stated that they would have to have a discussion with the property owner. This is not a PB decision. Ms. Rowden offered maybe a right of way or a small easement be noted on the plan. Mr. Quintal stated that this is something they would have to work out with the land owner. It becomes a question of who

maintains the trails? Who's responsible for litter? Are the trails walking trails? Can ATVs and snowmobiles use them? It can open up a can of worms if not done correctly. This is something the Conservation Commission can discuss with Mr. Fitzgerald.

Ms. Frake spoke of cutting trees for the powerlines. She stated that the Wotherspoon's electric service comes in underground. She wants to be sure no one is intending to pave the road. It would be tragic to change the character of the road. J. Doggett stated that the category of the road (class 5) prohibits it from being paved.

Mike Pivero, Road Agent, took the floor. He stated that this is problematic. He stated that five houses on that road will dramatically increase the traffic volume. He stated some of the discussion tonight would not be solved tonight. He said you need to look at the totality of the road; a lot of people do not want the road paved. He asked the Town Engineer to look at the road. He said this is not simple and cannot be swept under the rug. He said by putting five houses on the road, you're increasing the houses by 40%. Some financial provision needs to be put in place to protect the Town. He stated they go out 3 to 4 times per year to grade the road. Dirt roads are maintenance. By increasing the volume of traffic on the road, you're going to increase the cost of maintenance. He stated that some provision needs to be put in place. He said paving doesn't make sense.

Rosemary Huson of North Main Street is concerned not only about the school buses and UPS trucks, but also about the Fire Department and ambulance's ability to navigate the road. She was also concerned about the added children entering the school system. J. Doggett stated that the school district is expecting to see a 33% decrease in student population over the next ten years. He stated that the student population from five houses is not going to affect the schools. In ten years he stated the school population would be 50% of what it was ten years ago. Mr. Pivero stated for the record that \$183.00 per household goes to the Highway Department for plowing and maintenance.

Mr. Quintal suggested that something could be worked out with Mr. Fitzgerald that money be put aside for maintenance/grading during the construction process. Mr. Quintal said he thought it would be a good idea to meet with the Town Engineer to get his input.

B. White stated the PB would contact the Town Engineer for feedback about a bond for the road while construction is going on. If there is damage during construction, the bond would cover the damage. It was agreed among all that the TE would be contacted for his input/options on this section of the road. No one suggested that the entire road be paved. M. Pivero stated we need a game plan going forward for the road.

J. Doggett noticed some sections of the road are paved. M. Pivero explained that at either end of the road there is a small, 50' paved transition. B. White stated the public hearing would most likely be continued to get input from the TE.

R. Hamel asked if there are other concerns that we could identify to get the TE's recommendation. J. Doggett reiterated he'd like to see trees saved on the street/front of the properties. He'd like to see the set-back doubled in width from what is on the plans.

B. White stated she appreciates the comments on the road and paving vs. not paving. She feels, personally, that it is not fair to the property owner to make him wait for a decision while the Town decides what to do with the rest of the road.

C. Melvin stated that Todd should only be responsible for improvements on the road in front of his property/project.

J. Doggett made a motion to continue the Public Hearing for Todd Fitzgerald, Father and Son Realty Trust, Currierville Road (Map 15 Block 2 Lot 1-1) 5 Lot Subdivision to the next PB meeting September 25, 2018. P. Szot second with unanimous vote. J. White made a suggestion to consider the electric power be brought in underground from the street to the house.

Non-Binding Discussion Michael Doucet, 44 Bear Hill Road Mr. Doucet came before the PB to talk about his options for a Notice of Decision he received January 14, 2014. Mr. Doucet was approved for an Accessory Apartment for a house he is building at 44 Bear Hill Road. A condition of the conditional use permit is *"The existing home on the property must be completely raised prior to the issuance of a certificate of occupancy for the new home and attached accessory apartment"*. Mr. Doucet stated they would like to offer the house to the Newton Fire Department for training purposes. He is asking the PB for a waiver from the condition. He said when he was approved for the Accessory Apartment they were living in a home in Haverhill. They have since moved. They are living in a mobile home on the property during the summer and rent in the winter. He stated that logistically it would be difficult to raze the house before getting an occupancy permit. He is asking the PB for a six month extension from the time they get their occupancy permit to the time they raze the old structure.

R. Hamel stated that when Mr. Doucet came to the PB there was considerable conversation about the logistics of getting a Certificate of Occupancy and razing of the structure. Mr. Doucet was confident that they could work things out.

Part of the Conditional Use Permit states, *"Per the Newton Planning Board Policies and Procedures Manual, Section 6, B, Conditional Approval, the applicant shall have six months to comply with the conditions. Accordingly, the conditions shall be met on or before July 14, 2014. If the conditions are not met by this date, and an extension has not been requested in writing by the applicant and granted in writing by the Board, the conditional approval shall lapse without further notice."*

J. Rowden stated it's a post-approval condition. The fact that they pulled the building permit before that date, they satisfied the condition. As far as changing this one condition, they would need to have another Public Hearing. The hearing would have to be noticed in the newspaper and the abutters need to be notified. It's called a Compliance Hearing. R. Hamel said he would need "something" to guarantee that the house would be torn down if the time is extended to raze the home. He suggested a bond possibly. J. Rowden stated maybe a temporary Certificate of Occupancy be obtained.

3. Discussion of Stormwater Management Ordinance Discussion continued on the Stormwater Management Standards. The PB members are currently working with J. Rowden in updating the Stormwater regulations for the Town. Members of the Conservation Commission joined tonight's discussion.

4. Board Business and Correspondence

a. Acceptance of Minutes from 8/14/18 R. Hamel moved to approve the minutes of the 8/14/18 meeting. J. Doggett second with a minor correction: Page 1, move R. Hamel recused himself to follow AFTER 2. Discussion of Puzzle Lane Road Maintenance Bond INSTEAD of before. All in favor.

b. Manifests J. Doggett moved to accept the Operating Budget manifest in the amount of \$63.10. Second by P. Szot with unanimous vote.

J. Doggett moved to accept the NPREA manifest in the amount of \$60.30. Second by C. Melvin with unanimous vote.

c. Correspondence

PB is in receipt of a memo from the TE stating the Puzzle Lane roadway was completed in November 2015. He stated the roadway is in very good condition. A couple of minor items need to be addressed: The shoulder gravel is low in a few areas and needs to be regraded to match the edge of the pavement. And there is some minor cracking. Existing cracks should be routed and sealed. The Road Agent agreed with the TE's recommendations.

J. Doggett moved that the Chair be authorized to recommend to the Board of Selectmen the release of the \$68,954.55 Road Bond for Puzzle Lane upon receipt of a clean letter from the TE and the Road Agent. C. Melvin second with unanimous vote.

The PB received a recommendation from the TE to release the \$25,573.00 Site Restoration Bond and recommended a Project Completion Bond in the amount of \$33,117.00

J. Doggett moved that the Chair be authorized to recommend to the Board of Selectmen the release of the Site Restoration Bond in the amount of

\$25,573.00 upon the receipt in hand the Project Completion Bond in the amount of \$33,117.00. P. Szot second with unanimous vote.

The PB received a memo from the TE stating that all plantings are fully established at the Country Pond Fish and Game and recommends the remaining financial guarantee be returned.

P. Szot recused himself as a member of the CPF&G.

J. Doggett moved to recommend that the Board of Selectmen release the financial guarantee of \$5,983.00 plus interest. C. Melvin second. Motion passes 5-0.

J. Rowden told the PB that the 2018 Municipal Law Lecture Series will be starting in September. PB members received the schedule and will let the AA know if they would like to attend.

R. Hamel asked the PB members if they thought the Town should have a solar ordinance. The members discussed this. One of the topics for the law lecture series discusses Solar Power and Land Use.

4. Adjourn: J. Doggett moved to adjourn at 9:15 PM. Second by C. Melvin with unanimous vote.

Meeting adjourned at 9:15 PM.

Respectfully Submitted,

Gail LeBlanc, AA
Newton Planning Board