

Newfields Planning Board Meeting Minutes
June 13, 2024

Attendance: Chairman Bill Meserve, Select Board Representative Michael Sununu, Town Planner Glenn Greenwood, Jeff Feenstra, Shawn McGowan, Jamie Thompson, Jeff Couture and John Hayden. Absent from the meeting was Mike Price.

Chairman Meserve called the meeting to order at 7:00pm

Dan Posternak-70 Route 108-Site Plan Review-Map 202 Lot 11-cont'd hearing

A motion was made by Jeff Feenstra and seconded by Jeff Couture to invoke jurisdiction of the plan. All were in favor and the motion carried.

Glenn indicated that his comments include responses from the applicant that were submitted for last month's hearing but not within the two weeks required by our ordinances. All the applicant's responses addressed each of the deficiencies in the original site plan. He added that there is a State Department of Transportation-DOT Permit that remains outstanding.

Glenn added that two family and multifamily uses are not allowed in the commercial zone. The office space/winery cannot be converted back to residential use without a variance from the Zoning Board. The existing tenant is in the apartment and is allowed.

Bill asked if the apartment could be considered an Accessory Dwelling Unit (ADU). Glenn indicated that if it met the standards, it could.

Michael Sununu clarified that an ADU must be connected to a residence and owner occupied. There is an existing apartment which is the single-family use. The original single-family home is now used for commercial purposes.

Owner Dan Posternak and General Contractor Doug Greenier were in attendance. The DOT is requiring the applicant to address drainage with his surveyor. Other than that, they are looking at adding a tent site for events, a service bar in an existing outbuilding for weddings and events and an ice cream stand in a smaller outbuilding. Doug said they are also intending to increase the parking lot and enlarge the entrance going in and out of the site onto Route 108.

Dan said he would like to work with local abutters to utilize their space for parking for events. Doug added that for large events porta potties would be brought in.

John Hayden questioned Glenn's written comments regarding the building coverage for the site and the need for stormwater management more than what has been proposed. He assumes DOT is concerned with the watershed from the parking lot and the direction it will flow. Doug said the larger parking lot is required to be paved and that will require some type of stormwater management, which the surveyor will address.

Bill commented that the plan shows the location of a bioretention drainage treatment swale.

The applicant would like to get the restaurant up and running as soon as possible and Bill suggested conditional approval before the parking lot and DOT permit are complete.

Glenn commented that conditional approval is a possibility, but final approval cannot be granted without the DOT permit. Typically, the State takes longer to grant approvals than the local planning process. It is within the Board's purview to grant conditional approval pending the State permit approval.

Doug mentioned that the expansion of the parking lot is for the events not for the restaurant. The restaurant already has established parking spaces. Glenn agreed.

John was concerned that the applicant has not provided more information on the impervious surface and a drainage report showing runoff is being taken care of. He indicated that Newfields has a strict ordinance for stormwater management that needs to be followed and he finds it difficult to move forward without any calculations for runoff treatment. Bill would also like to see a drainage study and the calculations.

Michael Sununu was also concerned that the retention and treatment may not be sufficient for the 21 parking spaces.

Doug said the DOT requested information from them and it has been provided.

John replied that the DOT has nothing to do with the stormwater management for the Town. We have a separate stormwater management ordinance that needs to be looked at. Michael added that the State will not assess whether stormwater management is sufficient.

Glenn suggested he reach out to Beals Associates to supply the drainage information and then have it reviewed by Rockingham County Conservation District.

John Hayden reiterated that it is important to adhere to the stormwater ordinance given the effort the Board has put into it.

Michael Sununu added that it is imperative that the plan adheres to our Stormwater Ordinance. The Town is under the MS4 General Permit, and it could affect us greatly if not complied with.

Doug Greenier asked if they would be able to move forward with the restaurant with the existing parking.

Glenn replied that the restaurant and existing parking is a continuation of the use of the site, and he saw no issues with it. The original plan was to not use the restaurant and that has changed since the initial hearing. The restaurant with the original parking is an approved legitimate use.

A motion was made by Michael Sununu and seconded by Jeff Feenstra to allow for the continued use of the restaurant portion of the lot and provide a continuance until July 11, 2024, at 7:00pm on the other portions dealing with the DOT permit and stormwater runoff for additional parking. All were in favor and the motion carried.

Bill mentioned that the Town noise ordinance and sign ordinance must be adhered to. Dan commented that the DOT is requiring him to move the winery sign.

Dan said his initial intent was to have the event center and now the tables have turned. The restaurant has been updated and everything has been brought up to code. He would like to use New Road for additional parking on a busy night as previous restaurants have done. Perhaps on one side only.

Glenn stated he is not comfortable with establishing the use of a public right of way for private business. This leads to enforcements issues for the Police Department. Dan will need to talk to the Police Chief and get his feedback on the issue.

Michael Sununu was adamant about no parking on New Road. Parking on New Road may interfere with the diversion of traffic when the Route 108 bridge construction begins. He made it clear at the initial site plan hearing that there should be no parking on New Road.

John Hayden asked if parking on New Road was prohibited in the past. Bill said parking on New Road has never been an issue. The road is not posted.

Conditional Use Permit-Jason & Katie Jenkins-Map 204 Lot 29-Conner Lane

Glenn said it is within the jurisdiction of the Planning Board to grant a conditional use permit to allow activity within a wetland buffer. The applicant wishes to develop a driveway, clear trees and fill in an existing foundation. All the activities will be within the buffer to a wetland but none of them are in the actual wetland area.

Ian McKinnon from Jones & Beach Engineering was in attendance. He said the parcel is 25.8 acres which is in current use. A portion of the land will be removed from current use for the construction of a single-family home located at the back of the lot and an accessory structure. The applicant proposes the following activities within the 100' wetland buffer.

1. Construction of a paved 12' driveway on an existing woods road. Ian indicated the road is a well graveled and used trail. The driveway could be constructed outside of the buffer, but they would like to continue the use of the existing woods trail and avoid the relocation of a stonewall. The proposed buffer disturbance of 2,000 sf would be for shoulder grading.
2. Tree removal for the proposed driveway and drainage with a proposed disturbance of 400 sf.
3. Fill of a 6 feet deep old cellar hole for safety. The proposed disturbance would be 670 sf.

Bill asked about stormwater management. Ian said on the site plan there is an elbow shaped area between the driveways where there will be a collection point and possibly a culvert with a proper riprap outlet. It is a minor increase in impervious surface, and he does not expect a high level of flow.

Jamie asked if any other culverts were necessary. Ian said with the topography there are some low spots but no existing ponding now. The heavily wooded area with small depressions mixed in may contribute runoff. If it does, there are a couple of locations culverts could be provided.

Bill asked if there would be any stormwater collection. Ian said they are not proposing any at this time.

Shawn added that he has traveled the woods road for years and Ian's observations of the area being dry are correct.

The criteria for a conditional use permit were voted on.

Article 7.9.2 -The proposed construction is essential to productive use of land not within Wetlands Conservation District.

The existing woods road already exists through the wetlands buffer and the project proposed that the new, paved driveway utilize the existing woods road. By doing so, no additional tree clearing is needed from Conner Lane to the house site. The impacts to the buffer area for the proposed driveway and filling of cellar hole are items that will ensure proper site drainage and safety once constructed. The proposed construction will have no direct impact on the wetland areas.

A motion was made by Jeff Feenstra and seconded by Jamie Thompson to approve criteria in Article 7.9.2. All were in favor and the motion carried.

Article 7.9.3- Design and construction and maintenance methods will be such as to minimize detrimental impact upon the wetland and will include restoration of the site as nearly as possible to its original condition.

The proposed house with accessory structures includes the construction of several stormwater control structures and pipes that will ensure runoff through and from the site it properly discharged downhill in a controlled manner.

A motion was made by Michael Sununu and seconded by Jeff Couture to approve criteria in Article 7.9.3. All were in favor and the motion carried.

Article 7.9.4-No alternative route which does not cross a wetland or has a less detrimental impact on the wetland is feasible.

This criterion is not applicable for the purpose of the wetland buffer impact as no direct wetland impacts are proposed but it is important to note that we seek to follow the existing woods road alignment to decrease the amount of new disturbed area that would be required if constructing a driveway outside the 100' buffer.

A motion was made by Michael Sununu and seconded by Jeff Couture to approve criteria in Article 7.9.4. All were in favor and the motion carried.

Article 7.9.5-Economic advantage alone is not reason for the proposed construction.

The proposed project will construct a single-family home with accessory structures, allowed by right with a building permit, not creating an economic advantage to the applicant.

A motion was made by Michael Sununu and seconded by John to approve the criteria in Article 7.9.5. All were in favor and the motion carried.

Article 7.9.6-Prior to granting of a Conditional Use Permit under this section, the applicant shall agree to submit a performance security to ensure that all construction is carried out in accordance

with an approved design. The security shall be submitted in a form and amount, with surety and conditions satisfactory to 1) the Planning Board for site plan and subdivision application and 2) the Board of Selectmen in all other cases.

The applicant is willing to work with town staff to supply the required performance security part of the building permit process.

A motion was made by Michael Sununu and seconded by Jeff Couture to approve the criteria in Article 7.9.6. All were in favor and the motion carried.

After reviewing and approving the five criteria, a motion was made by Michael Sununu and seconded by Jamie to grant the conditional use permit. All were in favor and the motion carried.

A motion was made by John and seconded by Jeff Couture to approve the May minutes as amended. All were in favor and the motion carried.

Bill brought up establishing town emails for planning board members. This was recently done by the Conservation Commission and is good practice.

The meeting adjourned at 8:15pm.

Respectfully submitted,

Sue McKinnon