



Town of Newton, NH

Newton Town Hall: P.O. Box 378, Town Hall Road, Newton, NH 03858

Town Hall Hours: Monday - Wednesday, 8am - 4pm; Thursday 12pm - 8pm

April 19, 2016 Board of Appeals Minutes

Newton Board of Appeals
2 Town Hall Road
Newton, N.H. 03858

MINUTES OF THE MEETING of April 19, 2016

CALL TO ORDER at 7:29 PM by Chairman Tom McElroy

ROLL CALL: Chairman Tom McElroy, Vice-Chairman Alan French, Brad Cardoso, Michael Connolly, Jack Kozec, Alternate Frank Gibbs

Guests: Mr. Corey Colwell, VP MSC Engineers, Portsmouth, NH,
Michelle (O'Connor) Daly, John J. O'Connor, III, applicants.

ACCEPTANCE OF MINUTES: A motion to accept the minutes of the meeting of March 15, 2016 was made by Mr. French. Second by Mr. Kozec. All in favor. Motion carries.

Review for Michelle (O'Connor) Daly and John J. O'Connor
of Waltham, MA

For: 10 and 12 Marcoux Road
Newton, NH 03858
(Lots # 001-01-002 and #001-01-003)

Boundary line adjustment: Town of Newton Zoning Ordinances:
Section XV: Residential A Zone Area Regulations, Paragraphs 2 and 3

The application showed that there are 2 existing lots, both are non-conforming, as neither meet the requirements in the zoning ordinance, perhaps because these lots were already in existence before the forming of the Zoning Ordinances.

It is the Applicants wish to split this land that they've inherited from their father, equally. The Board pointed out that with a boundary change both these lots would become slightly more non-

conforming. It was explained that the Board did not create non-conforming lots. That was not what they did. Board members voiced the opinion that they would not be comfortable with creating such lots, as it could create more problems in the future.

Board members also explained to Mr. Colwell that, in this process, the measurements which had been provided would have to change and that the Board needed the exact measurements of each of the requested variances. The variances must be the footage needed. These variances needed to be written up as a request for the stated changes. Mr. Colwell could not understand that this was necessary for a simple dimensional variance. Again, the Board tried to explain how they would need at least 5 variances per lot and how they all needed to be listed out with the exact appropriate measurements, the footage that they were seeking for each. Mr. Colwell stated that he had never seen this in any other lot line change. The Board again stated that they did not, nor had they ever, created such non-conforming lots. That should they, this would create more problems in the future. The Applicants should just deal with the lot lines that exist.

Mr. Cardoso also brought up the fact that there did not appear to be a hardship. This was a necessary part of the Variance Standards. The O'Connors tried to explain that they wanted an even split of the land between them and the houses. Again, no hardship was indicated. They suggested the two wells, which would replace the old existing well that serviced the two houses through the years. It was pointed out to them that it would be possible to dig both these wells without changing the lot lines or requesting any variance.

A motion was made by Mr. Kozec to schedule the Public Hearing for next month, May 17, 2016. Second by Mr. Connolly. All in favor. Motion carries.

Review ends at 8:15 pm.

OLD BUSINESS:

- Discussion of the Re-appointment of Mr. Pelletier as an Alternate to the Zoning Board of Appeals after a lengthy absence due to health issues. Mr. Dezmelyk, the Town Moderator, would be notified of this request. Mr. Pelletier would follow the necessary procedure.

- 2016 Budget

As per the directive from the Selectmen, this was a new version of the proposed budget with a 3% budget challenge (decrease) off the default budget.

- Election of Officers

**Mr. Kozec made the motion to keep the same slate of Officers, with Mr. McElroy as chairman, and Mr. French as Vice-chairman. Second by Mr. Connolly. All in favor.
Motion carries.
Congratulations to all!**

No other new/old business

More discussion of the Marcoux Road property. The Board members were all of the opinion that this variance for the two non-conforming lots was a frivolous, meaningless situation, and that the Board has never, to their knowledge, approved a non-conforming lot. They do not want to set a precedent, and open the door to all kinds of problems in the future.

**At 8:30 pm, a motion to adjourn is made by Mr. Kozec. Second by Mr. French. All in favor.
Motion carries.**

NEXT MEETING will be Tuesday, May 17, 2016.

**Respectfully submitted,
Jeannette S. Clark, secretary**