

**Newton Board of Appeals
2 Town Hall Road
Newton, NH 03858**

MINUTES OF THE MEETING of October 15, 2019

CALL TO ORDER at 7:30 PM by Jack Kozec

ROLL CALL: Jack Kozec, Alan French, Frank Gibbs, and Alternate Roger Hamel

Jack Kozec appointed Roger Hamel as a Voting Member for this Meeting.

GUESTS: Coleman McDonough and representatives; David Choate III of Colliers International and representatives of AP Mobile Auto Restoration.

ACCEPTANCE OF MINUTES: A Motion to accept the minutes of the meeting of September 10, 2019. The Motion was made by Frank Gibbs. The Motion was seconded by Roger Hamel. Motion carries.

NEW BUSINESS

AP Mobile Auto Restoration – 35 South Main Street, Newton NH, Tax Map 12, Lot #11, former fire station

As a non-conforming use on residentially zoned land, the property cannot be used for commercial and light industrial uses without a variance or a zoning change. The company has submitted a proposal to the Board of Selectmen, who determined that any proposal requires a variance. AP Mobile Auto Restoration would provide an alternative to a full body shop, offering light repairs to such projects as fenders, parking lot accidents and non-major collisions. They will not cut metal or repair electrical issues. With nine employees to start, they will not be expanding the building and do not anticipate high traffic.

They expect to meet with the Planning Board as there is no plot plan or survey plans to determine the parameters of the land. The company cannot go forward with plans unless they know it will be waived by variance. Also, a copy of the State water disposal plan does not exist. The building inspector has determined that the property is non-conforming.

The Board of Appeals can give a use variance but cannot change the zoning.

Alan French made a Motion to waive the requirement for a certified plot plan and building plans drawn by an architect. Roger Hamel seconded the Motion. Motion carries.

Selectman Matthew Burrill indicated that any potential business buyer would probably not purchase the property if it is zoned as residential. If they cannot have it zoned as commercial, it would not meet a business' needs. He proposed bringing the matter to a vote at Town Meeting on March 11 for a change in the zoning from residential to commercial.

125 Development Corporation, Map 14, Lot#1, and Map 14, Block #1, Lot 27-3

Roger Hamel and Frank Gibbs recused themselves from any vote in this matter but can participate in the discussion.

There are questions about who owns the property. In 2007, part of the property was sold to 125 Development Corporation, and five acres was designated as a subdivision for condominiums. This action is not on the plan that 125 Development Corporation has submitted to the Planning Board and the Board of Appeals. The subdivision piece must be separate from the rest of the proposed plan. The Condo Association must be part of the property proposal. What has been presented is a subdivision with no road frontage – not a site plan. It appears that condominium owners who own land on the opposite site of the proposed driveway will be co-owners with 125 Development Corporation.

Coleman McDonough said the building inspector wrote a Denial decision after the Planning Board submitted a Denial decision.

Representatives from 125 Development Corporation explained that Lot 27-3 is one lot with two buildings and has 152 feet of frontage on Puzzle Lane. It has a service road/driveway/private road with a 40-foot easement access. They are proposing subdividing the lot into four lots.

They require variances for:

- Lot 27-5 condominium building with five acres**
- Lot 27-6 with no frontage or Town road but access through a 40-foot easement, need a variance of 44.9 inches**
- Lot 27-7 enters a State road but access through a 40-foot easement, need a variance of 53 feet**

- **Lot 27-3 is 150 acres, would be accessed from Route 108, needs a variance of 49.7 feet.**

There is a 200-foot setback from Sargent Woods in which 125 Development Corporation would like to develop a lot. Zoning was approved before the corporation bought the lot. A Denial decision from the Planning Board is needed before the Board of Appeals can move forward with the subdivision variances and plans.

OLD BUSINESS

Robert Ferrara, 43 Country Pond Road, Newton NH, Tax Map 5, Lot#1

Jack Kozec made a Motion that the Board of Appeals will hold no further discussions on the Robert Ferrara case. Roger Hamel seconded the Motion. Motion carries.

Roger Hamel Attended the Land Use Conference in Concord NH and will be providing information to the Board of Appeals.

ADJOURNMENT

Jack Kozec made a Motion to adjourn the meeting at 8:40 p.m. Alan French seconded the Motion. Motion carries.

NEXT MEETING

The next meeting will be held on November 12, at 7:00 p.m. in the Town Hall.

**Respectfully Submitted,
Tom McElroy
Chairman
Board of Appeals**
