

**NEWTON ZONING BOARD of ADJUSTMENT PUBLIC MEETING
minutes of July 12th, 2021**

The Newton Zoning Board of Adjustment public meeting was called to order at: 7:31PM

Chairman Kozec asked A.A. Doggett to call the roll. Present were:

Mr. Kozec ~ Mr. French ~ Mr. Hamel ~ Mr. Connolly ~ Mr. Gibbs

Also, Present: Ms. McCarthy – Alternate and James Doggett – ZBA AA

Chairman Kozec led the assembled in the Pledge of Allegiance.

.Public Hearing

Chairman Kozec opened a public hearing at 7:32PM and read:

- 1. Charles and Wendy Doherty of 20 Wilder's Grove Road request a rehearing of their denial for a variance as decided on April 12th, 2021. The property is referenced as Tax Map 2, Block 4, Lot 3. The information was supplied in your recent board packet.**

A.A. Doggett informed the Board that the applicant had requested a continuance in writing.

Mr. Connolly **MOVED** to continue the public hearing to August 9th, at 7:30PM, at the Newton Town Hall; Mr. Gibbs seconded the motion.

Vote: 4 in favour, Mr. Hamel against

At the request of Mr. Hamel, Chairman Kozec opened the floor for public comment.

Both Ms. Ross and her husband expressed their displeasure at the continuance.

Preliminary Reviews

Chairman Kozec started a preliminary review at 7:45PM and read:

Preliminary reviews:

1. Arthur and Sharon McSweeney of Chelmsford MA, request a special exception and variance in relief of Ordinance XI Non-Conforming Lots, Structures, And Uses, Section 3, Expansion of Non-Conforming Structures for their property at 28 Wilder's Grove Road. The property is referenced as Tax Map 2, Block 4, Lot 27.

SECTION XI NON-CONFORMING LOTS, STRUCTURES, AND USES (Amended March 2000)

3. EXPANSION OF NON-CONFORMING STRUCTURES

Non-conforming structures may be expanded in accordance with the terms of a special exception issued by the Zoning Board of Adjustment, which must find the following factors to exist before issuing such a special exception:

- a. The proposed expansion must intrude no further into any setback area than does the existing structure.
- b. The expansion must have no further adverse impact on the view, light and air of any abutter.
- c. The expansion must not cause property values to deteriorate.
- d. The expansion must not impede existing rights of access or egress.
- e. That portion of the proposed expansion, which will intrude into the setback, must, in no event, exceed the footprint square footage of that portion of the structure which presently intrudes into the setback, regardless of the number of applications made over time under this subsection.
- f. In the event the non-conforming structure contains a commercial use, there must be no adverse impact on access, traffic, parking, lighting or other safety or visibility features of the existing structure.
- g. A special exception under this subsection may be granted only as to expansions into the side, front, and rear setbacks, and is not available for expansions which violate height restrictions of this ordinance.

Chairman Kozec explained the process for a preliminary review.

Chairman Kozec invited Mr. McSweeney and Mr. Vernon Dingman to present the application.

There was a short discussion with members asking clarifying questions.

The Board reviewed the documents and found the following deficiencies:

1. Show any existing structure to be demolished.
2. Show distances from the existing and proposed building to the lot line.

Chairman Kozec closed the preliminary review phase at 8:06PM

Mr. Hamel **MOVED** to take the application to a public hearing on August 9th, 2021, at the Newton Town Hall; Mr. Connolly seconded the motion. **Unanimous** VOTE

Chairman Kozec started a preliminary review at 8:20PM and read:

2. Jeffery Card of Newton, NH, requests a special exception and variance in relief of Ordinance XI Non-Conforming Lots, Structures, And Uses, Section 3, Expansion of Non-Conforming Structures for their property at 1A Wilder's Grove Road. The property is referenced as Tax Map 2, Block 3, Lot (35-1).

SECTION XI NON-CONFORMING LOTS, STRUCTURES, AND USES (Amended March 2000)

3. EXPANSION OF NON-CONFORMING STRUCTURES

Non-conforming structures may be expanded in accordance with the terms of a special exception issued by the Zoning Board of Adjustment, which must find the following factors to exist before issuing such a special exception:

- h. The proposed expansion must intrude no further into any setback area than does the existing structure.
- i. The expansion must have no further adverse impact on the view, light and air of any abutter.
- j. The expansion must not cause property values to deteriorate.
- k. The expansion must not impede existing rights of access or egress.
- l. That portion of the proposed expansion, which will intrude into the setback, must, in no event, exceed the footprint square footage of that portion of the structure which presently intrudes into the setback, regardless of the number of applications made over time under this subsection.
- m. In the event the non-conforming structure contains a commercial use, there must be no adverse impact on access, traffic, parking, lighting or other safety or visibility features of the existing structure.
- n. A special exception under this subsection may be granted only as to expansions into the side, front, and rear setbacks, and is not available for expansions which violate height restrictions of this ordinance.

Chairman Kozec invited Mr. Dingman to present the application.

Mr. Hamel asked about the septic being within the well radius.

Mr. Dingman informed him that the septic system predated the well being drilled and that the well owner had signed a memorandum of understanding prior to drilling the well.

The Board reviewed the documents and found no deficiencies.

Mr. Hamel **MOVED** to take the application to a public hearing on August 9th, 2021, at the Newton Town Hall; Mr. Gibbs seconded the motion. **Unanimous VOTE**

Chairman Kozec closed the preliminary review phase at 8:41PM

Board Business

- a. Acceptance of minutes of the 6/14/21 meeting

Mr. Hamel **MOVED** to approve the minutes; Mr. Connolly seconded the Motion.

Unanimous vote

- ### b. Rules of Procedure

Mr. Hamel **MOVED** to adopt the Rules of Procedure with the following corrections.

Change “Salute the Flag” to “Pledge Allegiance” in Item 11, “Order of Business”; Mr. Connolly seconded the Motion.

Unanimous vote

- ### c. Administrative Assistant's Job Description

Mr. Connolly **MOVED** to adopt the Administrative Assistant's Job Description; Mr. Gibbs seconded the Motion.

Unanimous vote

- d. Hybrid VS in-Person meetings.

The Board discussed the options and asked A.A. Doggett to get them additional information.

A.A. Doggett asked members to inform him if they wished to have a Town Email Address. Mr. Hamel and Ms. McCarthy already have Town email addresses and no other members wanted one.

Non-Public 91-A:3, II c Reputation of someone not an elected member of the Board

Mr. Gibbs **MOVED** to go into Non-public under 91-A:3, II, Mr. Hamel seconded the Motion.

Chairman Kozec asked Administrative Assistant Doggett called the roll:

[illegible]

Chairman Kozec invited the alternate to attend the non-public session and declared that the only action to be taken after the non-public session would be to possibly seal the minutes and adjourn.

The Board entered non-public at 8:52PM

The Board came out of non-public at 9:20PM

Mr. Hamel **MOVED** to seal the Non-public minutes until such time as a majority of the Board finds it wise and prudent to unseal them, Mr. Gibbs seconded the Motion.

Unanimous vote

4. Adjourn.

Chairman Kozec adjourned the meeting at: 9:23PM.

Respectfully submitted.

James L. Doggett
ZBA A.A. Pro Tem