

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

MINUTES OF THE MEETING of August 13, 2018

CALL TO ORDER at 7:30 PM by Chair Tom McElroy

ROLL CALL: Chair Tom McElroy, Vice Chair Alan French, Jack Kozec, Michael Connolly and Alternate Frank Gibbs.

Mr. McElroy appointed Frank Gibbs a voting member in Brad Cardoso's absence.

ACCEPTANCE OF MINUTES: A motion to accept the minutes of the meeting of July 9, 2018 was made by Mr. Kozec. Second by Mr. Gibbs. Motion carries.

Review: Sandra Nierman
106 Pond Street
(Map 4 Block 2 Lot 3 & 1-2)

Mr. McElroy stated that the application was complete and Ms. Nierman's appeal will be placed on the September 10th Board of Appeals meeting.

Public Hearing: Variance Newton Zoning Ordinance, Section XI Non-Conforming Lots, Structures and Uses and Expansion Non-Conforming Structure
Rachel and Jude Petillo
7 Whittier Street
(Map 6- Block 9-Lot 34)

Mr. McElroy opened the Public Hearing.

Mr. Petillo told the Board members he's already been approved for an accessory apartment by the Planning Board. He is now looking for a six foot, six inch variance.

The Board members reviewed the Variance Standards (also known as criteria). Board members unanimously voted "yes" on each criteria standard.

Mr. Kozec made a motion to approve the Special Exception of six feet, six inches on the East side of the property based on the plot plan prepared by Jeffrey Land Survey, LLC, dated March 2018. Mr. Gibbs second. All in favor. Motion carries.

Mr. McElroy closed the Public Hearing.

Public Hearing Continued: Variance of Newton Zoning Ordinance, Section X,
Paragraph 4 (unregistered motor vehicles)
Robert Ferrara
43 Country Pond Road
(Map 5-Block 1-Lot 1)

Mr. McElory continued the Public Hearing for Mr. Robert Ferrara.

Attorney Derek Durbin presented on behalf of Mr. Ferrara. Mr. Ferrara is seeking an appeal of Newton Zoning Ordinance Section X, Paragraph 4 (unregistered motor vehicles). Currently Mr. Ferrara has six unregistered/uninspected vehicles on his property. Mr. Ferrara works on the vehicles as a hobby. He is proposing to construct a six foot high fence to block the view from the West. Board members asked about the possibility of erecting a garage to store the vehicles or erecting some temporary structures to house the vehicles. Board members spoke of their reluctance to grant the appeal and setting a precedent for anyone who wants to keep more than one unregistered/uninspected vehicle on their property. Mr. Ferrara stated he does not have the room to erect multiple temporary structures to house the vehicles. Atty. Durbin, Mr. Ferrara and the Board members spoke of alternate storage solutions.

Mr. Gibbs made a motion to continue the public hearing until September 10, 2018, in order for Mr. Ferrara to explore options for storing the vehicles. Mr. French second. All in Favor. Motion carries.

Old Business/Correspondence: Board members received updates of 2018 Legislation regarding Planning and Zoning. There was no old business.

At 8:55 PM, a motion to adjourn was made by Mr. Kozec. Second by Mr. French. All in favor. Motion carries.

Meeting adjourned at 8:55 PM.

NEXT MEETING will be Monday, September 10, 2018 at 7:30 PM.

Respectfully submitted,

Gail M. LeBlanc, Secretary
Board of Appeals

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August 13, 2018

NOTICE OF DECISION

A Public Hearing for Jude and Rachel Petillo of 7 Whittier Street, Newton, NH (Map #6-Block 9-Lot 34) was held Monday, August 13, 2018 at 7:30 PM in the Town Hall, Newton, NH, to act on the request for a Special Exception of Newton Zoning Ordinance, Section XI (non-conforming lots), Paragraph #3 (Expansion of Non-conforming Structures).

The Board voted unanimously to approve the Appeal of Newton Zoning Ordinance, Section XI (non-conforming lot), Paragraph 3 (Expansion of Non-conforming Structures):

- Special Exception granted is six feet, six inches on the East side of the property at 7 Whittier Street (Map 6 Block 9 Lot 34). Appeal is based on a plot plan prepared by Jeffrey Land Survey, LLC, dated March, 2018.

Any person affected has a right to appeal this decision. If you wish to appeal, you must act within thirty (30) days of this notice. The necessary first step, before any appeal may be taken to the courts, is to apply to the Board of Adjustment for a rehearing. The motion for a rehearing must set forth all the grounds on which you will base your appeal.

See New Hampshire Statutes, RSA Chapter 677, for details.

