

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

**MINUTES OF THE MEETING of November 12, 2019**

**CALL TO ORDER at 7:30 PM by Tom McElroy, Chairman**

**ROLL CALL: Tom McElroy, Chairman; Alan French, Vice Chairman; Jack Kozec, Frank Gibbs, and Alternate Roger Hamel**  
**Roger Hamel recused himself for this Meeting (“Because my former position when this proposal first came to the Planning Board and to avoid the appearance of any conflict, I have decided to recuse myself from the consideration of this subdivision application.”).**

**GUESTS: Coleman McDonough and representatives; NH Land Consultants.**

**ACCEPTANCE OF MINUTES: A Motion to accept the minutes of the meeting of October 15, 2019. The Motion was made by Alan French. The Motion was seconded by Jack Kozec. Motion carries.**

**NEW BUSINESS**

**125 Development NH Corp of Plaistow, NH. A Public Hearing for a 4-lot Subdivision and Lot Line Adjustment at 6 Puzzle Lane, Newton, NH. The property is referenced as Tax Map 14, Block 1, Lots 27-3; 27-5; 27-6; and 27-7.**

**The Board of Appeals decision on the creation of Lot 27-3 with less than the required 150 feet of frontage on a Town Road:**

- 1. The variance is not contrary to the public interest, such that it would alter the essential character of the neighborhood or threaten public health or safety.  
Unanimous approval; Motion carries.*
- 2. The spirit of the ordinance is observed.  
Approve – McElroy, French, Kozec. Disapprove – Gibbs. Motion carries.*
- 3. Substantial justice is done.  
Unanimous approval; Motion carries.*
- 4. The values of surrounding properties are not diminished.  
Unanimous approval; Motion carries.*
- 5. Literal enforcement of the ordinance would result in unnecessary hardship, meaning that owing to special conditions of the property that distinguish it from other properties.  
Approve – McElroy, French, Kozec. Disapprove – Gibbs. Motion carries.*

**Alan French made a Motion to approve the Variance for Lot 27-3. Jack Kozec seconded the Motion. Motion carries.**

**The Board of Appeals decision on the creation of Lots 27-5 and 27-6 with no frontage on a Town Road:**

1. *The variance is not contrary to the public interest, such that it would alter the essential character of the neighborhood or threaten public health or safety.*  
*Unanimous approval; Motion carries.*
2. *The spirit of the ordinance is observed.*  
*Unanimous approval; Motion carries.*
3. *Substantial justice is done.*  
*Unanimous approval; Motion carries.*
4. *The values of surrounding properties are not diminished.*  
*Unanimous approval; Motion carries.*
5. *Literal enforcement of the ordinance would result in unnecessary hardship, meaning that owing to special conditions of the property that distinguish it from other properties.*  
*Unanimous approval; Motion carries.*

**Jack Kozec made a Motion to approve the Variance for Lots 27-5 and 27-6. Alan French seconded the Motion. Motion carries.**

**The Board of Appeals decision on the reduction of the setback requirements on Lot 27-5 to less than 50 feet:**

1. *The variance is not contrary to the public interest, such that it would alter the essential character of the neighborhood or threaten public health or safety.*  
*Unanimous approval; Motion carries.*
2. *The spirit of the ordinance is observed.*  
*Unanimous approval; Motion carries.*
3. *Substantial justice is done.*  
*Unanimous approval; Motion carries.*
4. *The values of surrounding properties are not diminished.*  
*Unanimous approval; Motion carries.*
5. *Literal enforcement of the ordinance would result in unnecessary hardship, meaning that owing to special conditions of the property that distinguish it from other properties.*  
*Unanimous approval; Motion carries.*

**Jack Kozec made a Motion to approve the Variance for the reduction of the setback requirements on Lot 27-5 to less than 50 feet . Alan French seconded the Motion. Motion carries.**

**The Board of Appeals decision on the reduction of the setback requirements on Lot 27-6 to less than 50 feet:**

- 1. The variance is not contrary to the public interest, such that it would alter the essential character of the neighborhood or threaten public health or safety.  
Unanimous approval; Motion carries.*
- 2. The spirit of the ordinance is observed.  
Unanimous approval; Motion carries.*
- 3. Substantial justice is done.  
Unanimous approval; Motion carries.*
- 4. The values of surrounding properties are not diminished.  
Unanimous approval; Motion carries.*
- 5. Literal enforcement of the ordinance would result in unnecessary hardship, meaning that owing to special conditions of the property that distinguish it from other properties.  
Unanimous approval; Motion carries.*

**Jack Kozec made a Motion to approve the Variance for the reduction of the setback requirements on Lot 27-6 to less than 50 feet . Alan French seconded the Motion. Motion carries.**

**The Board of Appeals decision on Lot 27-7 with no frontage and under five acres:**

- 1. The variance is not contrary to the public interest, such that it would alter the essential character of the neighborhood or threaten public health or safety.  
Approve – McElroy, French, Kozec. Disapprove – Gibbs. Motion carries.*
- 2. The spirit of the ordinance is observed.  
Approve – McElroy, French, Kozec. Disapprove – Gibbs. Motion carries.*

*3.Substantial justice is done.*

Unanimous approval; Motion carries.

*4.The values of surrounding properties are not diminished.*

*Unanimous approval; Motion carries.*

*5.Literal enforcement of the ordinance would result in unnecessary hardship, meaning that owing to special conditions of the property that distinguish it from other properties.*

*Approve – McElroy, French, Kozec. Disapprove – Gibbs. Motion carries.*

**Jack Kozec made a Motion to approve the Variance for Lot 27-7 with no frontage and under five acres. Alan French seconded the Motion. Motion defeated unanimously.**

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**ADJOURNMENT**

**Jack Kozec made a Motion to adjourn the meeting at 9:15 p.m. Alan French seconded the Motion. Motion carries.**

**NEXT MEETING**

**The next meeting will be held on December 9, 2019 at 7:30 p.m. in the Town Hall.**

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

