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

MINUTES OF THE MEETING of February 10, 2020

CALL TO ORDER at 7:30 p.m. by Tom McElroy, Chairman

ROLL CALL: Tom McElroy, Chairman; Alan French, Vice Chairman; Jack Kozec, Frank Gibbs, and Alternate Roger Hamel; Patricia Masterson, recording Minutes. Chairman McElroy appointed Roger Hamel as a Voting Member.

ACCEPTANCE OF MINUTES: A Motion to accept the Minutes of the Meeting of January 13, 2020. The Motion was made by Jack Kozec. The Motion was seconded by Roger Hamel. Motion carries.

NEW BUSINESS

PUBLIC RE-HEARING

125 NH Development Corporation, Puzzle Lane, NH Tax Map 14 Block 1, Lot 27-7, represented by Engineer Bill Gregsak and Developer Coleman McDonough regarding a variance for an access road to substitute the required frontage under five acres.

Roger Hamel recused himself from the discussion.

125 NH Development asserts that the lot has no building and is on a property that maintains an existing road with potential shared utilities, such as sewer and electricity. They assert that the access is from a private easement and would give each building a defined piece of land (providing each tenant a defined plot).

6 Puzzle Lane, NH (Proposed Lot Tax Map 14, Block 1, Lot 27-5) is a 15-unit condominium that has seven owners. 11Puzzle Lane (Proposed Lot 14, Block 1, Lot 27-7) is currently leased to Quintana. Mr. McDonough said that a rigging company, a tenant for 12 years, may be interested in buying a section of the property (Proposed Lot 14, Block 1, Lot 27-7) to expand their business (6,000 square feet) for storing small machines and equipment.

Mr. McDonough states that Lot 27-7 is approximately 1500 feet from the closest house at Sargent Woods based on measurements made by a drone. If needed, 125 NH Development Corporation could put more trees or earthen berm along the Sargent Woods properties.

*Newton Zoning Board of Appeals Minutes, February 10, 2020, page 2*

The Development Corporation has three lots that have been approved for variances. There is 150 feet of frontage for these lots. The Corporation maintains that this is not enough frontage for three buildings.

*Gerry Quatrale – Sargent Woods*

There is an environmentally unsound problem of silt runoff behind the woodlands. It has been identified to the code enforcement officer and waiting for an action to be taken.

*Tom Edwordy – Plaistow*

This Re-hearing is for a frontage request on Lot 27-7, a lot that is unbuildable and requires a variance. But no new evidence has been presented to change the denial decided at the Public Hearing.

*Tom McElroy – Chairman, ZBA*

The Re-hearing is a result of the Zoning Board of Appeals not giving concrete evidence for the Denial.

*Frank Gibbs – Zoning Board of Appeals*

All buildings in the industrial park had road frontage before they were built. There was 150 feet of frontage on Puzzle Lane. A driveway was made for Ravensburger, and a roadway for five buildings.

*Joe Danahy – 5 Stonewall Circle*

What is the difference between the last Public Hearing and this Re-hearing?

*Jack Kozec – Zoning Board of Appeals*

Our concern is that the Engineer for 125 NH Development Corporation said a building could not be built on the lot so it is a non-buildable lot.

*Gary Castiglione – Sargent Woods*

We would like to see what the end goal and final plan is.

*Brian Murphy – Cedar Lane*

If the Town has decided on what the footage of setbacks is, why do we have to keep coming back?

*Roger Hamel – Sargent Woods*

There is a 200-foot setback required for light industrial use and residential property. This has not changed since the 1980s.

*Board of Appeals Minutes, February 10, 2020, page 3*

There was a break in the discussion to allow the public to review maps of the proposed plans and talk to the Developer and Engineer.

Jack Kozec made a Motion to approve a variance for an access road to substitute the required frontage under five acres for 125 NH Development Corporation, Puzzle Lane, NH, Tax Map 14, Block 1, Lot 27-7 with the stipulation that no additional variance will be allowed or requested on Lot 27-7 to make a buildable lot. Frank Gibbs seconded the Motion.

Discussion

Jack Kozec – we are looking to the future to be sure it remains a non-buildable lot.

Roger Hamel – A subdivision has not been approved by the Planning Board and Lot 27-3 is still one piece. Once variances are approved, they can go to the Planning Board to request approval for a subdivision.

Chairman Tom McElroy – recommends having the Town Attorney review the request before moving forward with an approval for the variance.

Jack Kozec withdrew the Motion. Frank Gibbs seconded the Motion. Motion Carries.

Jack Kozec made a Motion to continue the Re-hearing on March 9, 2020 after the Town Attorney has reviewed the case. Vice Chairman Alan French seconded the Motion. Motion Carries.

Roger Hamel rejoined the discussion.

Jack Kozec made a Motion to adjourn the Meeting at 9:15 p.m. Vice Chairman Alan French seconded the Motion. Motion Carries.

NEXT MEETING

The next meeting, a continuation of the Re-hearing for 125 NH Development Corporation, Puzzle Lane, Newton, NH Tax Map 14 Block 1, Lot 27-7, will be held on March 9, 2020 at 7:30 p.m. in the Town Hall.

Respectfully Submitted,

Tom McElroy Chairman

Newton Board of

Appeals