

NEWTON PLANNING BOARD PUBLIC MEETING MINUTES

October 13th, 2020

The Newton Planning Board public meeting was called to order at: 7:03PM

Chairman Hamel read the following statement: As Chair of the Newton Planning Board, I find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, and most recently extended by Executive Order 2020-20 this public body is authorized to meet electronically.

Please note that there is no physical location to observe and listen contemporaneously to this meeting, which was authorized pursuant to the Governor's Emergency Order. However, in accordance with the Emergency Order, I am confirming that:

We are utilizing the Zoom platform for this electronic meeting. All members of the Board have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting telephonically, or by going to the Zoom website.

We previously gave notice to the public of the necessary information for accessing the meeting, including how to access the meeting telephonically. Instructions have also been provided on the Town website.

If anyone has a problem, they should email the Planning Board Office at: PlanningBoard@newtonnh.net.

In the event the public is unable to access the meeting, the meeting will be rescheduled and adjourned.

Please note that all votes that are taken during this meeting shall be done by roll call vote.

Also, in accordance with the Governor's Emergency Order #23 pursuant to Executive Order 2020-04, and most recently extended by Executive Order 2020-20 the Planning Board is relieved from the statutory and local requirement to meet on a particular schedule or a certain number of times within a given time frame. The Planning Board is also relieved from complying with statutory or local deadlines for accepting, hearing and acting on planning board applications.

Note: As an attendee of the meeting, your microphone and/or phone will be muted. The Board Chair will specify when the public comment period is open for an application. Town staff will be in attendance at the meetings to manage the public comment process.

Planning Board Minutes October 13th, 2020 / Planning Board Meeting

All minutes are in draft form until approved by the Planning Board.

Please check subsequent minutes for approval of and/or amendments to these minutes. 1

If you are participating online with the Zoom program, click on the hand icon at the bottom of the screen. This will “Raise Your Hand” so that the moderator knows that you wish to speak. If you are participating by phone, press *9. This will indicate to the moderator that you wish to speak. When it is your turn, the moderator will unmute you and let you know that you can share your comments.

When speaking during the meeting, please announce your name so the Administrative Assistant can know who is speaking as he takes the minutes.

Mr. Hamel – Present and alone	Mr. White – Present and not alone
Ms. Estabrook – Present and alone	Mr. Andrews – Present and alone
Ms. Collyer – Present and alone	Mr. Foote – Present
Mr. Crnolic was absent	

Also, Present:

Ms. Allen – Alternate – Present and alone	Mr. Zalenski Present and not alone
Ms. White - Alternate – Present and not alone.	

James Doggett – PB AA – Present and alone
Ms. Rowden - Circuit Rider–Present and alone

Chairman Hamel appointed Mr. Zalenski as a voting member in place of Mr. Crnolic

The following Public Hearings were held:

Mr. Hamel recused himself from the next public hearing.

1. Vice-Chairman Estabrook appointed Ms. Allen as a voting member in place of Mr. Hamel. She then called the Public Hearing to order at: 7:10PM and read:

A continuation of 125 Development NH Corp of Plaistow, NH’s request for a public hearing on a Major Non-Residential Site Plan on Puzzle Lane, Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-7.

The applicant requested this item be continued to the next regularly scheduled meeting.

Ms. Estabrook **MOVED** to continue item #1 on this agenda to October 27th, 2020. Ms. Collyer seconded.

Ms. Estabrook asked Administrative Assistant Doggett to call the roll:

Mr. Zalenski – aye	Mr. Andrews - aye	Ms. Allen - aye	Mr. Foote – aye
Mr. White - aye	Ms. Collyer – aye	Ms. Estabrook – aye	Passed Unanimous

Chairman Hamel returned to the Board

2. Chairman Hamel called the Public Hearing to order at: 7:20PM and read:

Justin Prokocimer of Brentwood NH request a Minor Non-Residential Site Plan – Change of Use at 35 S. Main St., Newton, NH. The property is referenced as Tax Map 12, Block 1, Lot 11.

Mr. Hamel invited Ms. Rowden for her input on the application.

Ms. Rowden stated that the applicant appeared to have supplied all the pertinent information to complete the application and addressed all the comments from her review letter.

Ms. Collyer **MOVED** to accept the application as being complete, take jurisdiction and declare that this meets Newton's Minor Non-residential Site Plan requirements. Mr. White seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Zalenski – aye Mr. Andrews - aye Mr. White - aye Mr. Foote – aye
Mr. Hamel - aye Ms. Collyer – aye Ms. Estabrook – aye **Passed Unanimous**

Mr. Hamel asked about the driveway openings.

Mr. Prokocimer stated that until he owned the property, he could not change the driveway. He has been in contact with the NH-DoT and understands the need to add a barrier along Rte. 108 to narrow the access to two-50-foot openings. This will be done as soon as possible after the closing on the property.

A.A. Doggett shared the document.

Mr. Prokocimer answered Board questions and explained in detail the parking and the minor flow of traffic on the property.

Ms. Estabrook mentioned that Newton's Zoning allows for only one unregistered vehicle on a property.

Ms. Rowden stated that that does not apply in commercial use. She said that the Board could specify the number of vehicles on the property by parking area.

Mr. Hamel stated he had no expectation that the property would look like a junkyard.

Ms. Collyer offered that a condition that no outdoor storage of scrap would solve the issue of any potential junk being on the property.

Ms. Collyer asked about the Hours of Operation.

A.A. Doggett shared the proposed Hours of Operation from the application.

Mr. Crnolic joined the meeting. Mr. Zalenski was no longer a voting member.

Ms. Estabrook asked about a paint booth.

Mr. Prokocimer stated that he did only “touch-up” painting and not whole vehicle painting. If he did add a paint booth, he would need a State permit.

Mr. Hamel asked about flammable materials and who had jurisdiction over them.

Ms. Rowden informed him that that was in the purview of the Fire Department.

Mr. Hamel asked about the proposed tank for recycled oil and the potential for spills.

Mr. Prokocimer stated he would be using a certified storage container and it would be emptied regularly.

Mr. Andrews asked for the volume of the storage tank.

Mr. Prokocimer stated it was 200 gallons though it would be emptied regularly.

Mr. Andrews asked about signage and lighting.

Mr. Prokocimer stated he would not be lighting his signs and would continue to use the existing outdoor lighting.

Ms. Collyer asked about the easement for the Seabrook Siren.

Mr. Foote did not know if the Town had received the easement for the Seabrook Station Siren.

Mr. Prokocimer asked about the taxes of the siren.

Mr. Foote stated that the Seabrook Power Plant paid the taxes on the siren and pole.

Ms. Estabrook asked about the car storage area and if it should be discussed further.

Mr. Prokocimer stated he was using the pre-existing graveled area.

Mr. Hamel asked Ms. Rowden for her input on the application.

Ms. White asked Mr. Prokocimer how many vehicles he would have on the property and where.

Mr. Prokocimer explained what he expected to have and where they would be on the property.

Ms. Rowden added that the graveled area Mr. Prokocimer was talking about was approximately 5,000 square feet.

Ms. Collyer opined that the area would be fenced and did not want to put a limit on the number of vehicles in the graveled area.

A.A. Doggett read his list of potential conditions from the evening's discussions.

Mr. Andrews stated that his proposed limits were for parking at the front of the property.

Ms. Collyer **MOVED** to Approve the Application with the following conditions:

1. **Obtain all local and state permits.**
2. **A limit of 5 spaces for vehicles offered for sale at the front of the property.**
3. **A limit of 3 spaces for employee vehicles at the front of the property.**
4. **A limit of 3 spaces for customer parking at the front of the property.**
5. **No outdoor storage of any scrap or metal parts.**
6. **Cars awaiting restoration to be stored on the gravel area behind the privacy fencing.**
7. **An easement will be given to the Town of Newton to access the Seabrook Emergency Siren**
8. **Used motor oil will be stored in a certified oil storage container**
9. **Hours of Operation will be:**
 - Monday thru Friday 8:00AM-6:00PM**
 - Saturdays -9:00AM – 4:00 Noon**
 - Closed Sundays**

Mr. White seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye	Mr. Andrews - aye	Mr. White - aye	Mr. Foote – aye
Mr. Hamel - aye	Ms. Collyer – aye	Ms. Estabrook – aye	Passed Unanimous

Mr. Hamel closed the Public Hearing at 8:03PM

Mr. Hamel recused himself from the next public hearing.

3. Vice-Chairman Estabrook appointed Ms. Allen as a voting member in place of Mr. Hamel; called the Public Hearing to order at: 8:04PM and read:

A continuation of 125 Development NH Corp of Plaistow, NH's requests for a public hearing for a 36 Lot Subdivision South Main Street (Rte. 108) Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-3.

Ms. Estabrook asked if the applicant wished to ask for a continuance for this item.

Mr. Cucharale stated that this application was for workforce housing.

Ms. Estabrook corrected him in that this application is for a 36-lot subdivision.

Mr. Cucharale stated that workforce housing was a part of it.

Ms. Rowden corrected that the application before the Board was for a 36-lot subdivision. While workforce housing was discussed during the Design Review hearing, there is no workforce housing as a component of this application.

Ms. Estabrook mentioned that the applicant failed to get the required variances for this subdivision.

Ms. Rowden talked about the Town Engineer's letter from September, the issues that were brought up in that letter and how she concurred with him on the outstanding issues. She does not recommend taking jurisdiction at this point.

Ms. Collyer stated that while she wants the Board to learn more about workforce housing it is not part of the agenda for the meeting. She asked to see copies of the State and Federal permits for the proposal.

Mr. McDonough discussed his applications for permits. He stated that the plans are all-inclusive for the roadway.

Ms. Rowden suggested that the applicant and his engineer review the Town Engineer's letter concerning the road design.

Mr. McDonough stated this would be a private road.

Ms. Collyer asked that the applicant address the 27 issues in the review letter from the Town Engineer.

Mr. McDonough stated he would address them in due time.

Ms. Rowden reminded the applicant that each lot would have to come back before the Board for individual Site Plan Reviews even if the Board approves the subdivision and roadway.

Mr. McDonough asked to have the public hearing continued to the October 27th, 2020 meeting.

Ms. Collyer **MOVED** to continue this item to the agenda to October 27th, 2020. Mr. Foote seconded.

Ms. Collyer suggested that the applicant submit all possible information and address each issue in the Town Engineer's letter.

A.A. Doggett notified the Vice-Chair that Ms. Allen had left the meeting. Ms. Estabrook appointed Ms. White as a voting member for this vote.

Ms. Estabrook asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye Mr. Andrews - aye Ms. White - aye Mr. Foote – aye
Mr. White - aye Ms. Collyer – aye Ms. Estabrook – aye **Passed Unanimous**

Chairman Hamel returned to the Board

4. Board Business and Correspondence

A. Future Board Meetings Virtual/In Person

Mr. Hamel stated that there was information in the packets about the Newton Board of Selectmen's rules for meeting in Town Hall and about future hybrid meeting. A discussion ensued. No motions were made.

B. NPREA Manifest

Ms. Collyer **MOVED** to pay the manifest dated 10/13/2020 in the amount of **\$128.00**
Mr. White seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye Mr. Andrews - aye Mr. White – aye Mr. Hamel - aye
Ms. Collyer – aye Ms. Estabrook – aye Mr. Foote aye **Passed Unanimous**

Ms. Collyer **MOVED** to pay the manifest dated 10/13/2020 in the amount of **\$1000.00**
Mr. Crnolic seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye Mr. Andrews - aye Mr. White – aye Mr. Hamel - aye
Ms. Collyer – aye Ms. Estabrook – aye Mr. Foote aye **Passed Unanimous**

C. Acceptance of minutes of the 9/22/20 meeting

Ms. Collyer **MOVED** to accept the minutes of September 22nd, 2020; Ms. Estabrook seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye Mr. Andrews - aye Mr. White – aye Mr. Hamel - aye
Ms. Collyer – aye Ms. Estabrook – aye Mr. Foote aye **Passed Unanimous**

D. NHMA Law Workshops

A.A. Doggett put the item of the NHMA law lectures before the Board. He asked that those members who wished to attend notify him so that he could register the members in a block.

Mr. Hamel **MOVED** to allow all members who wished to attend the NHMA law lecture workshop do so, Ms. Estabrook seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye Mr. Andrews - aye Mr. White – aye Mr. Hamel - aye
Ms. Collyer – aye Ms. Estabrook – aye Mr. Foote aye **Passed Unanimous**

E. Right-to-Know responses

A.A. Doggett apprised the Board about the plethora of RTK requests and that he had satisfied all but one. He requested input on how to accomplish the remaining request. A general discussion was held. No motions were made.

F. 2021 Budget

Mr. Hamel asked A.A. Doggett to present the proposed budget. A discussion was held concerning the Planning Board hiring its own Council. After some initial adjustments were made, shifting monies as needed, it was a consensus of the Board to add \$10,000.00 to the legal line in the budget. The new budget total would be \$58,665.00.

Ms. Collyer **MOVED** adopt the budget as amended; Mr. Foote seconded the motion.

Mr. Hamel asked Administrative Assistant Doggett to call the roll:

Mr. Crnolic – aye Mr. Andrews - aye Mr. White – aye Mr. Hamel - aye
Ms. Collyer – aye Ms. Estabrook – aye Mr. Foote - aye **Passed Unanimous**

Mr. Hamel reminded the Board that November 9th was the first day for accepting petitioned amendments to the Zoning Ordinances with December 9th being the last day. He stated that he did not know of any Board sponsored changes in the works.

Ms. Collyer would like the Board to think about the setbacks for light industrial/commercial to look at changing the word “structures” to “buildings” which she believes is the original intent. Also, to changing the setbacks for light industrial to commercial to 50 feet, for buildings.

Mr. Hamel asked her to submit a draft of how she wanted it worded.

Mr. Andrews suggested that each Planning Board member have their own Town e-mail account.

A.A. Doggett informed his that he is working on it already. He thinks it may be able to come out of the IT account.

5. Motion to adjourn

Chairman Hamel adjourned the meeting at 10:37PM

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board