

NEWTON PLANNING BOARD PUBLIC MEETING MINUTES

October 27th, 2020

The Newton Planning Board public meeting was called to order at: 7:01PM

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 27th, 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 and alone
Mr. Crnolic – Present and not alone	

Also, Present:

Mr. Sforza – Alternate – Present – alone Ms. White - Alternate – Present - not alone.

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

The following Public Hearings were held:

Mr. Hamel recused himself from the next two public hearings.

1. Vice-Chairman Estabrook appointed Ms. White as a voting member in place of Mr. Hamel.

Ms. Estabrook asked if, before starting the public hearing, the Board wished to set a time to adjourn the meeting.

Mr. Andrews **MOVED** that the meeting adjourn at 9:30, unless still in an open public hearing, except to open and continue any remaining Public Hearings as well as deal with anything under “Other Business”. Any unresolved Public Hearings will be the first items on the next meeting agenda. Ms. Collyer seconded the motion.

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

Ms. White - yes	Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote - yes
Mr. White - yes	Mr. Andrews - yes	Ms. Allen – yes	Unanimous vote

Ms. Estabrook then called the Public Hearing to order at: 7:08PM 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.

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

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

Ms. Collyer **MOVED** to continue item #1 on this agenda to November 10th, 2020. Mr. Andrews seconded.

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**

2. Vice-Chairman Estabrook called the Public Hearing to order at: 7:14PM 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.

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

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

Mr. Lekborg asked if there were any questions from the Planning Board.

Ms. Estabrook commented that there were a lot of questions discussed at the previous meeting.

Mr. Lekborg discussed how they were awaiting decisions from the ZBA.

Ms. Collyer commented that there were many questions still to be answered.

Mr. Lekborg stated that when they know the outcome of the ZBA rehearing they will know what their plans will be.

Mr. McDonough announced that Mr. Cucharale was no longer with the company. He wanted to bring up that he submitted his plan as a whole and would like it treated as such, he did not want the residential portion separated into another plan. He did not want to submit a different plan for the any portion of the plan.

Ms. Rowden corrected that the application before the Board was for a 36-lot subdivision with a roadway, the roadway is shown as going through 2 residential lots which is acceptable. The subdivision and roadway may be part of a single application. Her concern is that a workforce housing proposal suddenly became part of the application. She discussed that the workforce housing requires a full site plan with separate review and approval. The same will be required for each of the possible 36 lots to be created by the present application as they are developed. Any site plan that includes buildings will have to be separate applications.

Mr. McDonough stated that he understood what Ms. Rowden explained and that 125 Development NH Corp expects to submit applications for each individual site. He anticipates coming in with 2 different site plans for the 2 residential lots. He does not understand why with the old fire station they did not have to do all that he is expected to do for plans. He stated some can come in with their plans on a napkin, but he has to spend thousands of dollars on his plans.

Ms. Estabrook stated that there is a vastly different scope of work between the 2 applications.

Mr. McDonough stated that there were a lot of problems with the former fire station site and the Planning Board should have scrutinized it more closely. He feels that the Board needs to be more consistent. He stated that, "If somebody else can come in with a napkin, I'm gonna come in with a napkin."

Ms. Collyer informed him that the other application he was referred to was a minor site plan and his was a major site plan and they are hugely different.

Ms. Estabrook explained that his plans were from "scratch" whereas the other application was not; the other site was already built. She asked the applicant if he wanted to continue the public hearing to the next meeting.

Mr. McDonough expressed his desire to not "split up" the plan that was brought in and when he is ready with site plans, they will submit them. He had requested Mr. Frost speak to the Board about workforce housing, but the Board failed to give Mr. Frost time to speak.

Ms. Collyer clarified that there was no workforce housing in the application. This application is for a road and subdivision and not for workforce housing. When the applicant submits an application for workforce housing that would be the appropriate time for a conversation on workforce housing.

Mr. McDonough stated he fully understood what Ms. Collyer was saying, but he thought the Board needed to learn about workforce housing before he brought in an application for it.

Ms. Collyer suggested that the Planning Board sets the agenda and will decide when they wish to receive input from other sources.

Ms. Estabrook reminded the applicant that this application needs to be completed before the next steps can be started for each lot.

Mr. McDonough asked if there were any discussions the Board wanted to have on the residential part since that section does not need ZBA approval.

Ms. Collyer stated not at this time, there is no application.

Mr. McDonough asked for a continuance and if anyone had any questions.

Ms. Estabrook reminded him of the questions from the Town Engineer and that they still need to be addressed.

Ms. Collyer **MOVED** to continue this item to November 10th, 2020. Ms. White seconded.

Mr. Crnolic left the meeting at 7:30. Ms. Estabrook appointed Mr. Sforza as a voting member in place of Mr. Crnolic.

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

Mr. Sforza – 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. Ms. White was no longer a voting member

3. Mr. Hamel called the Public Hearing to order at: 7:33PM and read:

Austin Perreault of Newton, NH request a Public Hearing for a Conditional Use Permit – Accessory Apartment at 121 S. Main St., Newton, NH. The property is referenced as Tax Map 13, Block 2, Lot 17-11.

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 invited Mr. Perreault to present his application.

Mr. Perreault made his presentation for an accessory apartment

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

Ms. Rowden offered her opinion that the application appeared to be complete. She had one question regarding an interior door accessing the apartment and as shown that doorway connected to an unfinished area of the main house.

Mr. Perreault interrupted to state he has plans to finish that area.

Mr. Rowden continued with her concern that the regulations state that the accessory apartment needs to such that at some future point it could be incorporated into the main house. All other criteria have been met.

Mr. Perreault stated he has new plans for a septic system awaiting approval.

Mr. Hamel questioned the interior connection between the main house and the accessory apartment.

Mr. Perreault stated he would add a door into the unfinished area and finish a walkway to serve as a connection.

A.A. Doggett shared the plan and illustrated where there was, presently, a doorway into the main house from the unfinished area.

Ms. Estabrook asked about an outdoor egress from the second-floor bedroom. She also asked about the unfinished area and the square footage of the apartment.

She was informed that no second story outdoor egress was required.

Mr. Hamel opined that the unfinished storage area was part of the main house and that the apartment was under the maximum square footage permitted.

Ms. White asked if a wall was needed across the back of the unfinished storage area to create the hallway between the main house and the accessory apartment and to prevent the storage area from being used by the tenant in the apartment.

Ms. Rowden stated that the doorway off the apartment into the storage area was the delineating line for the boundary of the apartment. She suggested that a condition of approval could be that the unfinished storage area was not to be used as part of the apartment.

Ms., White commented that the applicant needed to go to the fire department for permits and inspection.

Ms. Estabrook commented that the apartment and the main house were separated by a 2-car garage.

Mr. Perreault stated he has plans to finish the 2-car garage and incorporate it into the house.

Ms. Estabrook asked about the total square footage of the apartment.

Mr. Perreault stated it was 798 Square feet

Ms. Collyer **MOVED** to accept the application as being complete and take jurisdiction; Mr. Andrews seconded the motion.

Ms. Estabrook pointed out that the assessment card stated that the main house had previously been divided into two apartments and asked if the main house had been converted back into a single-family home.

Mr. Perreault stated that the previous owner had converted it back into a one-family home.

A.A. Doggett gave some history on the house.

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

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

Ms. Collyer stated her list of conditions.

Mr. Andrews asked if life safety is part of the occupancy permit

Mr. Foote stated it is part of the occupancy permit.

Mr. Hamel invited the public to comment. There were none.

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

- 1. Obtain all local and state permits including an occupancy permit.**
- 2. The unfinished storage space is not to be part of the Accessory Apartment.**
- 3. Meet all Life Safety Codes.**
- 4. A copy of the approved septic plan be on file.**
- 5. Utilities must be share by the main house and the Accessory Apartment**

Mr. White seconded the motion.

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

Mr. Sforza – aye Mr. Andrews - aye Mr. White - aye Mr. Foote – aye
Mr. Hamel - aye Ms. Collyer – aye Ms. Estabrook – nay **Passed 6-to-1**

Chairman Hamel closed the public hearing at 7:59

Mr. Sforza recused himself for the next Public Hearing and Mr. Hamel appointed Ms. White as a voting member in place of Mr. Crnolic.

Mr. Hamel called the Public Hearing to order at: 8:02PM and read:

Steven Sforza of Newton, NH request a Public Hearing for a Conditional Use Permit – Home Based Business (Firearms Manufacture) at 2 George’s Way, Newton, NH. The property is referenced as Tax Map 7, Block 3, Lot 14-4.

Mr. Hamel invited Mr. Sforza to present his application

Mr. Sforza made his presentation stating he would like to expand his business to include assembly of gun parts and read his letter to the Board submitted on September 19th, 2020. See attached.

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

Ms. Rowden offered her opinion that with Mr. Sforza’s letter of explanation it qualifies as a home-based business. She suggested the Board might make a condition that the business utilized no process shall be hazardous to public health, welfare, or safety.

Ms. Estabrook asked what assembly means.

Mr. Sforza explained as a gunsmith he often replaces trigger assemblies or barrels.

Mr. Andrews clarified his understanding of the word manufacture.

Mr. Sforza explained the training aspect of his business.

Mr. Andrews asked if there was live firing done on the property.

Mr. Sforza stated that no training was done at his home.

Mr. Hamel ask if a member wants to make a motion on completeness and to take jurisdiction.

Ms. Collyer **MOVED** to accept the application as being complete and take jurisdiction
Ms. White seconded the motion.

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

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

Mr. Hamel invited comments from the Board or the Public. There were none.

Mr. Hamel asked for a motion on the application

Mr. Andrews **MOVED** to Approve the Application as written with the following conditions:

1. SECTION XII HOME OCCUPATIONS AND HOME-BASED BUSINESSES (Added March 1995, amended March 2003, amended March 2007, Amended March 2012)

Pursuant to RSA 674:21, the Planning Board is hereby authorized to grant a Conditional Use Permit to allow for Home Based Businesses in accordance with the restrictions and requirements of this section.

WHERE PERMITTED

C) General.

- g) No process shall be utilized which is hazardous to public health, welfare, or safety.
- h) The home occupation/home-based business must not offend by emitting smoke, dust, odor, noise, gas, fumes, lights, or refuse matter.

2. Record Mr. Sforza's letter of September 19th, 2020 with the Notice of Decision

Ms. Collyer seconded the motion.

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

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

Chairman Hamel closed the public hearing at 8:18

5. Board Business and Correspondence

A. NPREA Manifest

Ms. Collyer **MOVED** to pay the manifest dated 10/27/2020 in the amount of **\$375.30**
Mr. White seconded the motion.

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

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

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

Ms. Collyer **MOVED** to accept the minutes of October 13th, 2020; Ms. White seconded the motion.

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

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

C. 2021 Budget

Mr. Hamel asked Mr. Foote if he would represent the Planning Board at the Selectmen's Meeting.

Mr. Foote opined that it is usually the department head who attends to answer questions.

Mr. Hamel asked A.A. Doggett if he was free to attend the Selectmen's meeting on November 2nd to answer any questions.

A.A. Doggett stated he would be available.

D. Zoning Ordinance Changes

Mr. Hamel brought to the Board Ms. Collyer's suggestions for changes to the Zoning Ordinances and offered her the floor to discuss them.

Ms. Collyer stated she would like the Board to consider the changes which were supplied in the board packet

A discussion ensued about potential changes and how they could be affected by the review of the Master Plan.

E. Other Projects

Mr. Hamel brought to the Board other suggestions from Ms. Collyer regarding:

Application forms, Application fees, and Master Plan.

This led to a discussion of possible future subcommittees of the Planning Board. Mr. Hamel offered to research potential changes to the Rules of Procedure to enable the Planning Board to have subcommittees.

A cover letter for applications or Notices of Decision was also discussed.

6.Non Public 91-A:3(b) The hiring of any person as a public employee (Legal Counsel).

Ms. Collyer **MOVED** to go into Non-Public under 91-A:3(b) The hiring of any person as a public employee (Legal Counsel); Mr. Andrews seconded the motion.

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

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

The Board entered non-public at 9:10PM, Mr. Sforza was invited to join the Board.

The Board came out of non-public at 9:45PM

Ms. Collyer **MOVED** to seal the minutes until such time as a majority of the Planning Board decided it is wise and prudent to unseal them; Mr. White seconded the motion.

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

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

6. Motion to adjourn

Chairman Hamel adjourned the meeting at 9:51PM.

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board