

NEWTON PLANNING BOARD PUBLIC MEETING MINUTES

November 10th, 2020

The Newton Planning Board public meeting was called to order at: 7:04PM

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 2020-21 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 2020-21 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.

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:

Ms. Allen – 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.

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

1. Ms. Estabrook then called the Public Hearing to order at: 7:09PM 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.

Ms. Rowden stated that the application was still incomplete as no building drawings or elevations had been supplied.

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

Mr. McDonough requested this item be continued to the next regularly scheduled meeting.

Mr. Foote **MOVED** to continue item #1 on this agenda to November 24th, 2020. Ms. Collyer 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**

1. Vice-Chairman Estabrook called the Public Hearing to order at: 7:11PM 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. Rowden informed the Board that the variances had been denied by the ZBA.

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

Mr. McDonough requested this item be continued to the next regularly scheduled meeting.

Ms. Collyer **MOVED** to continue this item to November 24th, 2020. Mr. Foote 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**

Chairman Hamel returned to the Board. Ms. White was no longer a voting member

2. Mr. Hamel called the Public Hearing to order at: 7:23PM and read:

Christina Curro and Marc Rochon of Newton, NH and Terrence and Marianne Tully of Boxford, MA request a Public Hearing for a Lot-Line Adjustment between 24 and 36 Thornell Road, Newton, NH. The properties are referenced as Tax Map 12, Block 2, Lot 22-3 and Tax Map 6, Block 8, Lot 7-2.

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 the applicant to present their application.

Mr. Quintal made the presentation for a Lot-line adjustment, adding 2 acres to Lot 6-8-(7-2) from lot 12-2-(22-3). He stated that this addition to the lot would allow the proposed house to be located much further away from the neighboring dwelling.

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 no other issues.

Mr. Andrews **MOVED** to accept the application as being complete and take jurisdiction. 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. Quintal addressed the request for a waiver from:

8.1 SUBDIVISION PLAN

8.1.5 Specific Plan Information - Existing Site Conditions

- D. Existing grades and topographic contours at intervals not exceeding two (2) feet with spot elevations where the grade is less than five percent (5%).

Mr. Andrews stated that he felt the waiver was justifiable.

Ms. Collyer **MOVED** to approve the waiver request; Mr. Andrews 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 invited the public to comment. There were no comments.

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

Conditions Precedent:

- 1. Mark the bounds***
- 2. Supply recordable Mylar.***

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

Chairman Hamel closed the public hearing at 7:36PM

3. Mr. Hamel called the Public Hearing to order at: 7:36PM and read:

Juan C. Orlanzzini of Newton, NH requests a public hearing on a Minor Site Plan (Food Vending Service) at 185 S. Main St., Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 24

Mr. Hamel invited Mr. Orlanzzini to present his application

Mr. Orlanzzini made his presentation stating he would like to expand his greywater holding tank capacity. He now plans to remain open through the winter and needs tanks that will not freeze, and he needs the additional capacity.

Mr. Hamel asked for the location of the tanks.

Mr. Orlanzzini stated that they would be behind the shed as shown on his plan.

Ms. Estabrook asked if an agency letter was on file.

Ms. Rowden stated there was one on file.

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

Ms. Rowden offered her opinion that the food truck (trailer) was becoming a non-transient feature on the property and therefor a Minor Site Plan review was appropriate as a change of use. She suggested that the Board discuss that aspect of the plan. She believes that there would have to be an amended permit from NH-DOT or a notice from NH-DOT that no changes are required for the driveway. She has a concern about how waste products would be handled and that any dumpsters need to be shown on the plan as well as any toilet facilities for customers as required for seating. She asked about any proposed signage. She suggested that a condition of approval could be to have applicant meet with the health officer if and when he plans to have customer seating. She suggested that the hours of operation needed to be addressed and noted on the Notice of Decision. She further commented that once the plan was approved the food trailer would have to remain in its approved place, if removed from the property and

brought back it needed to be parked in the same spot as it has been approved to occupy. She considers the application complete as a minor site plan

Mr. Foote stated that this business has been operating for the past year and he is unsure why all the restrictions was being placed on it. He further commented that the business never had a porta-potty which is fine with the Town, and that he was only upgrading the smaller food service trailer to a larger one and relocating it on the property. He stated that the business is nowhere near Rte. 108 and should have nothing to do with the driveways. Mr. Foote went on to reiterate that the business is just adding a larger greywater tank and that is why he is before the Board.

Ms. Rowden clarified that she only reviews plans that come before the Planning Board. While there may be businesses that are operating, this business definitely requires a site plan as it is a non-commercial use expanding on the site. She feels the business should have had one prior to operating, but that is up to the Town to deal with, if they choose to do so, this is beyond the issue of additional holding tanks and a larger trailer.

Mr. Hamel commented that in terms of restroom facilities it would be wise for the Board to defer to the Health Dept. and the Building Dept. on what kinds of requirements those facilities should be.

Mr. Ravenscraft asked if the Circuit Rider's comment was that a porta-potty would serve for customer facilities.

Ms. Rowden stated that it could be considered acceptable but that could only be answered by the Health Officer.

Mr. Ravenscraft stated that the business has a porta-potty on site. The business is mostly take-out, and he believes the existing porta-potty seems sufficient currently.

Mr. Foote stated that the business has been there for the past year, he has had the Fire Department inspections completed and passed, he has had the Building Department inspections completed and passed, and the Health Department inspections completed and passed, the only difference being the moving of the trailer. He feels the business has met all the requirements as far as the Town departments go.

Mr. Hamel asked the Board to discuss if this qualified as a minor site plan and if the Board has adequate information to make a decision.

Ms. Collyer **MOVED** to accept the application as qualifying as a minor site plan, being complete and to take jurisdiction. Mr. Crnolic seconded the motion.

Mr. Hamel asked if there were any comments on the motion.

Ms. Estabrook feels that is a little more than a minor plan because it is something new being added to the approved site plan. She commented that there was now a new plan for parking and the buildings.

Ms. Rowden commented that this was under the 2000 square foot threshold as listed in the regulations and if this were an amended site plan it would qualify as a minor site plan.

Mr. Ravencraft offered that the shed was 12-foot by 16-foot and the trailer is 8-foot by 30-foot.

Mr. Orlanzzini stated that he has a permit for the shed from a year prior. He stated that at present the porta-potty was just for his employee usage.

Mr. Ravencraft stated they were well below the 2000 square foot threshold. As for parking, he stated that at most there could be 5-customer cars on site at any one time.

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**

A.A. Doggett reminded the Board of the waiver request he had received and emailed to the members.

Ms. Collyer **MOVED** to grant the waiver from:

PLOICY AND PROCEDURE MANUAL

10. Procedure for Minor Application Review

- B. No more than one Minor Application Review is permissible per lot or parcel every three years. Any development following a Minor Site Plan Review shall not automatically be considered Minor. Due to the circumstances associated with a particular project, the Planning Board may determine additional development after a minor application review requires additional exhibits, information, and fees associated with the site plan regulations. However, development subsequent to standard Site Plan Review may be considered Minor if consistent with all the requirements of this sub-section. (Amended October 2012)

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. Foote – aye

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

Ms. Collyer asked the applicant to respond to Ms. Rowden's points: signage, the location of the porta-potty and waste.

Mr. Orlanzzini stated that the trash was picked up by Bay State Disposal, that he has a 10-yard dumpster, the greywater will be handled by Pete's Septic, and cooking oil will be recycled by U.S. Foods. There will be no new signage, there may be flags used in 2021 but that has not been decided. Seating will be restricted to outdoor seating and has not been decided.

Mr. Hamel stated that the submitted plan shows 6 outdoor tables.

Mr. Orlanzzini stated that most of his customers take their food off site to eat it. He understands that if he decided to put out tables for his customers, he will need to provide restroom facilities.

Mr. Hamel asked what the Hours of Operation would be.

Mr. Orlanzzini stated that for the winter they were open 11:00AM to 7:00PM and his summer hours would be 11:00AM to 8:00PM.

Ms. Rowden asked Mr. Orlanzzini what the maximum hours he would be open on any given day. She informed him that the hours that the Planning Board approved would be the only hours he could be open.

Mr. Orlanzzini replied that he could conceivably host the occasional event that could run until 9.

Mr. Ravenscraft asked Mr. Orlanzzini if he foresaw opening earlier than 11:00AM.

Mr. Orlanzzini stated that in the spring he was considering a new menu item on Sundays, a Mexican Brunch. Possibly Saturdays and Sundays with a corresponding earlier closing time.

Mr. Hamel asked what time Mr. Orlanzzini would be opening for brunch.

Mr. Orlanzzini stated that he would open at 8:00AM for service.

Mr. Ravenscraft asked Mr. Orlanzzini to state exactly what time he would like to open and close.

Mr. Orlanzzini replied that he would like to open at 8:00AM and close at 10:00PM.

Mr. Hamel asked where the dumpster would be located as it is not on the plan.

Mr. Orlanzzini asked Mr. Ravencraft to help answer that question.

Mr. Ravencraft stated that the dumpster would be down in the back behind and below the fenced area shown on the plan, and that they are emptied during normal business hours.

Mr. Hamel asked about trash receptacles for anyone seated outside.

Mr. Orlanzzini replied that he has them.

Mr. Ravencraft stated that there are three or four large, covered trash cans situated around the area where the taco stand is.

Mr. Hamel asked if anyone else had any questions.

Ms. Estabrook asked about the uses of the shed.

Mr. Orlanzzini informed her that was used for dry storage and storage of supplies.

Ms. Rowden informed the Board that the trailer is not a structure since it is on wheels.

Mr. Andrews had questions about the dumpster being off-site due to its distance from the area to be used.

Ms. Rowden offered that the dumpsters would be shown on the full site plan that was recorded in 2004. A condition of approval could be to either include a photocopy of the original plan or add it to the one submitted.

Ms. Estabrook asked about any proposed new lighting.

Mr. Orlanzzini stated that the trailer does have lights and he hopes to add some strings of small lights to improve the appearance of the area.

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

Mr. Hamel asked for a motion on the application

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

(A discussion of the conditions was held. The following was reached by consensus)

Conditions Precedent:

- 1. Obtain a new Driveway Permit from the NH-DOT if applicable.***
- 2. Restroom location(s) will be added to the plan.***
- 3. Obtain all local and state permits.***

Conditions Subsequent:

- 1. Hours of Operation will be 8AM to 10PM.**
- 2. Trash will be deposited in the approved dumpsters and handled by the landlord.**
- 3. No New signage is allowed.**
- 4. Adequate restrooms will be supplied per the requirements of the Health Department when outdoor seating is made available**

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

Chairman Hamel closed the public hearing at 8:19

5. Board Business and Correspondence

A. NPREA Manifest

There was no NPREA Manifest.

B. Acceptance of minutes of the 10/27/20 meeting

Ms. Collyer **MOVED** to accept the minutes of October 27th, 2020; Mr. Andrews 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. 2021 Schedule

Mr. Hamel offered a correction to the schedule.

Ms. Collyer **MOVED** to adopt the schedule as amended; 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. Cover Letters

Mr. Hamel Asked A.A. Doggett to introduce this item.

A.A. Doggett offered his proposals for cover letters to go out with all notices of decisions. These will inform the applicants of the next steps to follow. The conditions will be separated into conditions precedent and conditions subsequent on all future Notices of Decision.

A discussion ensued about the language and concluded that Mr. Hamel should take the lead as he would be the person signing them.

E. Other Projects

Mr. Hamel commented that he is still working on language about subcommittees. He hopes to have something for the next meeting.

A.A. Doggett announced that the Planning Board choice of Diane Garrow as its land use lawyer had been accepted by Attorney Garrow and that she would prefer to have the Board Chair and the A.A. be her contact people.

There was a discussion of how the Board could get more timely information of Newton ZBA actions on matters that also are before the Board. It was decided that the A.A. would contact his counterpart of the ZBA and set up a line of communication.

6. Motion to adjourn

Chairman Hamel adjourned the meeting at 8:52PM.

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board