

NEWTON PLANNING BOARD PUBLIC MEETING
Minutes of March 23th, 2021

The Newton Planning Board public meeting was called to order at: 7:00PM

Administrative Assistant Doggett read the following statement: 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 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:

The Planning Board is 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.

The Planning Board 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 general 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 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.

Planning Board Minutes March 23rd, 2021 / Planning Board Meeting

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

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

I 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 I know who is speaking as I take the minutes.

Administrative Assistant Doggett called the roll, and asked the members to please state where they were and if they were alone:

Mr. Andrews - home and alone Mr. White - excused Ms. Collyer - home and alone
Mr. LaVoie - home and alone Mr. Foote - home and alone
Mr. Moran - home and not alone

Also, Present:

Ms. Allen – Alternate - home and alone
Ms. White – Alternate - home and alone
Mr. Zalenski – Alternate - home and alone

James Doggett – PB AA
Ms. Rowden - Circuit Rider

1. Resignation announcements:

Administrative Assistant Doggett announced the resignations of Planning Board Member Edvin Crnolic and Planning Board Alternate Steven Sforza.

Ms. Collyer asked the Board if they were going to fill the empty seat at this point in the meeting or wait. After a brief discussion, the Board decided to wait until after the election of officers.

2. Board Re-organization

a. Election of Officers – Chair:

Ms. Collyer **Nominated** Mr. Moran for Chair and stated her reason why she was nominating him. Mr. Foote seconded.

Mr. Foote **Nominated** Mr. Andrews for Chair and stated his reason for his nomination. Mr. LaVoie seconded the motion.

There was a discussion of the merits of the nominations.

Administrative Assistant Doggett called the roll, and asked members to state their candidate's name for the record.

Mr. Andrews – Mr. Andrews Mr. LaVoie – Mr. Andrews Mr. Moran – Mr. Andrews
Ms. Collyer – Mr. Andrews Mr. Foote – Mr. Andrews Unanimous for Mr. Andrews

Mr. Andrews took the Chair and welcomed the new members to the Board.

b. Vice-chair

Ms. Collyer **Nominated** Mr. Moran for vice-chair Mr. Foote seconded the nomination.

Chairman Andrews asked Administrative Assistant Doggett to call the roll:

Mr. Andrews - Aye	Mr. LaVoie - Aye	Mr. Moran - Aye
Ms. Collyer - Aye	Mr. Foote – Aye	Vote: Unanimous

Chairman Andrews appointed Ms. White as a voting member in place of the excused Mr. White and Mr. Zalenski to vote for the seat vacated by Mr. Crnolic.

c. Vacancies - members and alternates

Ms. Collyer **Nominated** Robert Marchand to fill the vacancy left by Mr. Crnolic's resignation and stated her reason why she was nominating him. Mr. Foote seconded for discussion.

Mr. Andrews **Nominated** Ms. White to fill the vacancy left by Mr. Crnolic's resignation and stated his reason for his nomination. Mr. Zalenski seconded the motion.

There was a discussion of the merits of the nominations. Ms. Collyer withdrew her nomination of Mr. Marchand.

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

Mr. Andrews – Aye	Mr. LaVoie – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. Foote – Aye	Ms. White – Aye	Mr. Zalenski - Aye	Unanimous for Ms. White

Mr. Andrews **Nominated** Robert Marchand to fill the Alternate vacancy (1 Year) left by Ms. White's elevation to full Board member, Ms. Collyer seconded the nomination.

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

Mr. Andrews – Aye	Mr. LaVoie – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. Foote – Aye	Ms. White – Aye	Mr. Zalenski - Aye	Unanimous vote

Mr. Andrews **Nominated** Robert Zalenski to a 3-year term as Alternate, Mr. Foote seconded the nomination.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

Ms. Collyer **MOVED** to cut off new items being discussed after 9:30PM, seconded by Mr. Foote.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

2. Public Hearing;

2a. Chairman Andrews called the Public Hearing to order at: 7:23 PM and read:

A continuation of 125 Development NH Corp of Plaistow, NH's request for a public hearing for a 36 Lot Subdivision on 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.

Chairman Andrews asked Ms. Rowden for her input on the application.

Ms. Rowden stated that she had had no new paperwork from the applicant and did not know if any of the conditions for taking jurisdiction had been met.

Mr. Lekborg stated that they were waiting for the courts to hand down a ruling on their pleading.

Ms. Collyer inquired about how the process was going in Plaistow was progressing.

Mr. Lekborg stated they were still working on it.

Ms. Collyer **MOVED** to continue the Public Hearing to April 13th, 2021, seconded by Ms. White.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

2b. Chairman Andrews called the Public Hearing to order at: 7:38PM and read:

Joseph Guarino of Newton, NH requests a Public Hearing for a Conditional Use Permit – Home Based Business at 35 Currierville Rd., Newton, NH. The property is referenced as Tax Map 15, Block 2, Lot (1-5).

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

Chairman Andrews invited Mr. Guarino to present his application.

Mr. Guarino made his presentation about creating hand-made pasta in a professional kitchen and at his home then storing and possibly selling it from his home. He had planned to use a small refrigeration unit on his front porch for ease of sales. They discussed plans to deliver as much of the produce as possible and that this was a small proof-of-concept undertaking in the hopes of a future brick-and-mortar store.

Mr. Foote asked about state licensing for the kitchen.

Ms. Guarino stated that they had sent their paperwork to the State but had not heard back yet.

Chairman Andrews asked Ms. Rowden for her input on Completeness of the application.

Ms. Rowden started by informing Mr. Foote that a business as small as this would not require State licensing.

Ms. Rowden offered her opinion that while the application appears to be complete it does not meet the “Home Based Business” guidelines as it mentions the use of the freezer on the front porch which is precluded by the ordinance. Otherwise, the Board could determine that this does qualify as a “Home Based Business” and determine how to handle the refrigeration unit.

The board had a discussion on the merits of the location of the refrigeration unit and ultimately suggested that it could be placed on the rear porch as long as it was not visible from the road.

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

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

Ms. T. McCarthy brought the concerns of the Road agent and the Conservation Commission about a home-based business on a scenic – unpaved road.

Ms. White informed the applicant that they will need to use a refuse company and not take their business refuse to the Town Transfer Station.

Mr. Moran addressed the concerns of the Road agent and the Conservation Commission by suggesting that the applicant have potential clients come to their home via Dugway Road to ease any additional traffic down the entirety of Currierville Road.

The applicant concurred.

Ms. Collyer expressed her desire to limit the traffic on Currierville Road.

The Board discussed customer limitations, hours of operation and possible conditions for approval.

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

Conditions Prescient:

1. Obtain all Local, State, and Federal Land Use Permits.
2. Limit of 1 refrigeration unit is allowed; it may not be visible from Currierville Road.

Conditions Subsequent:

1. A daily limit (on average) of not more than 15 patrons with a maximum of 100 per week.
2. Hours of Operation shall be 8:00AM to 6:00PM Mondays-Fridays.

Mr. Foote seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

Mr. Andrews Closed the Public Hearing at 8:10PM

2c & 2d. Chairman Andrews called the Public Hearing to order at: 8:11PM and read:

Kelly McCarthy & Stocker Realty Trust of Newton, NH request a Public Hearing for a Lot-Line Adjustment between 45 Highland St. and backland between Highland

St. and Pond St., Newton, NH. The properties are referenced as Tax Map 5, Block 4, Lots (18-2) & (19-2).

Mr. Andrews invited Mr. Casey to present the application.

Mr. Casey made his presentation of the Lot-Line Adjustment and explained how it went in conjunction with the Lot-Line Adjustment coming up in the next public hearing.

The Board chose to combine this public hearing with the following one as they both shared one lot in common.

Chairmen Andrews read the citation for agenda item 2d:

Robert & Pamela Hallock and Stocker Realty Trust of Newton, NH request a Public Hearing for a Lot-Line Adjustment between 52 Pond St. and backland between Highland St. and Pond St., Newton, NH. The properties are referenced as Tax Map 5, Block 4, Lots 2 & (19-2).

Mr. Casey explained how lot 5-4-(19-2) was landlocked backland and was being acquired by the abutters McCarthy and Hallock.

Ms. Hallock stated that she and her husband were looking to acquire additional land behind their house to prevent the land from being developed.

Ms. K. McCarthy stated they had similar reasons for acquiring the additional land. She further addressed the concerns expressed by the Conservation Commission regarding a potential barn and riding arena, stating that when she has figured out if and what she may build she understands she will have to come back before the Planning Board for approval.

Chairman Andrews asked Ms. Rowden for her input on Completeness of the application.

Ms. Rowden offered her opinion that the applications were complete.

Ms. Collyer **MOVED** to accept the applications as being complete and take jurisdiction. Mr. Foote seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

After a brief discussion about recording both sets of plans contemporaneously to avoid creating a nonconforming lot, the lots were approved as follows:

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

Conditions Prescient:

1. Set new bounds as needed.
2. Record the Plans contemporaneously with the plans for the Hallock LLA.

Mr. Foote seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

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

Conditions Prescient:

1. Set new bounds as needed.
2. Record the Plans contemporaneously with the plans for the McCarthy LLA.

Mr. Foote seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

Mr. Andrews Closed the Public Hearing at 8:31PM

2d. Chairman Andrews called the Public Hearing to order at: 8:33PM and read:

Father & Son Realty Trust of Plaistow, NH requests a public hearing on a Major Non-Residential Site Plan for 103 N. Main St., Newton, NH. The property is referenced as Tax Map 9, Block 3, Lot 4.

Chairman Andrews invited Mr. Quintal to present his application.

Mr. Quintal made his presentation for demolition of the 4 separate, derelict cabins on the property and replacing them with a single building with 6 studio apartments. He stated that this would be a reduction of 2 bedrooms from what is presently on the

property. He went on to request a waiver from the Stormwater Management requirements and HISS mapping.

Chairman Andrews asked Ms. Rowden for her input on the completeness of the application.

Ms. Rowden offered her opinion that the application was complete and that she recommended approving the requested waiver from the stormwater management requirements and the HISS mapping. She offered some possible conditions of approval should the Board get to that point.

Mr. Andrews had some questions about Ordinance 7.1.5c: The shape, size, height, and location of all proposed structures, including expansion of existing structures on the site, first floor elevation(s), building elevation(s), and a rendering of the proposed structure(s).

Mr. Fitzgerald stated that they would be built in the same style as an 8 unit building that he had built at 178 S. Main St.

Mr. Andrews asked why this had not been supplied.

Ms. Rowden stated that the Board typically had not required this for residential units.

Mr. Andrews stated that since the Board had recently required it of another applicant, he felt it needs to be applied uniformly.

Ms. White asked if Mr. Fitzgerald was following a set design that he had already built, would a photo of his prior building suffice.

Mr. Andrews commented that he could not discern the size of the building from the application.

Ms. White concurred.

Mr. Fitzgerald offered a photo of his existing building as a model of his intended new building.

Mr. Andrews asked the Circuit Rider if his request was too much to require of this type of application.

Ms. Rowden stated that the request was not unreasonable however that the applicant could request a waiver if they felt that the architectural drawing were beyond their ability to supply before conditional approval had been granted. She then shared a picture of the applicant's existing building.

Ms. Collyer asked if the A.A. could share the picture from the applicant's South Main Street property.

The Board discussed what would best satisfy the ordinance as regards to this application.

Mr. Fitzgerald requested a waiver from Section 7.1.5c of the Zoning Ordinances.

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

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

Mr. Andrews opened the floor for public comment.

Ms. Lord (an abutter) shared her concerns about how this project would affect the neighborhood property values, the location of the entrance to this property, and its proximity to Newton conservation property.

Ms. T. McCarthy (speaking for the Conservation Commission) stated that her Board had met with the applicant and were assured that all their concerns would be considered.

Mr. Steve A, Sr. (an abutter) commented that this project would help remove an eyesore that had been in Town for decades.

Mr. Andrews suggested that some minor changes to the entrance might improve the situation.

Mr. Quintal suggested that he would work with the fire chief to accommodate any concerns he might have.

Mr. Andrews asked about the subsurface chamber system for dispersing the rainwater from the roof.

Mr. Quintal described how the system worked and pointed out that the roof runoff is a clean water unlike the runoff from a parking lot.

Mr. Andrews then asked what the lifespan of the system would be.

Mr. Quintal stated that they last for an extended period of time.

Mr. Moran asked if the drive and parking area were intended to be paved.

Mr. Quintal stated they would be.

Mr. Foote **MOVED** to grant the waiver from:

SECTION VII - PLAN REQUIREMENTS

7.2 DESIGN STANDARDS AND ADDITIONAL PLANS, STUDIES, AND EXHIBITS

7.2.3 Stormwater Management Standards

Developments shall not increase, decrease modify or alter the normal patterns of stormwater drainage caused during the development of a site and/or by the eventual development itself. The goal of these standards is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public in the Town of Newton. This regulation seeks to meet that goal through the following objectives:

Ms. Collyer seconded.

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

Mr. Andrews – Aye	Mr. LaVoie – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. Foote – Aye	Ms. White – Aye	Mr. Zalenski - Aye	Unanimous vote

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

SECTION VII - PLAN REQUIREMENTS

7.1.4 Specific Plan Information - Existing Site Conditions

In order for the Board to comprehensively evaluate a site plan proposal, the applicant is required to show the following information as part of the site plan, unless granted a waiver in accordance with Section X, Waivers.

- K. A High Intensity Soil Survey (HISS) of the entire site, or the portion as determined by the Board. Calculations shall be provided and shown on a sheet appropriate to the plan. Such soil survey shall be prepared by a certified soil scientist in accordance with the standards established by the Rockingham County Conservation District. Any cover letters or explanatory data provided by the certified soil scientist shall also be submitted. (Amended May 1999)

Mr. Foote seconded.

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

Mr. Andrews – Aye	Mr. LaVoie – Aye	Mr. Moran – Aye	Ms. Collyer – Aye
Mr. Foote – Aye	Ms. White – Aye	Mr. Zalenski - Aye	Unanimous vote

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

SECTION VII - PLAN REQUIREMENTS

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7.1.5 Specific Plan Information - Proposed Site Conditions

- C. The shape, size, height, and location of all proposed structures, including expansion of existing structures on the site, first floor elevation(s), building elevation(s), and a rendering of the proposed structure(s).

Ms. White seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

The Board discussed conditions for their approval.

Ms. Collyer **MOVED** to approve the application with the following conditions:

1. *Obtain all Local, State, And Federal Land Use Permits.*
2. *Supply recordable Mylar of Page #2 of the Plan-Set.*
3. *All Waivers to be noted on the recorded plan.*
4. *The new construction to be in the same style as the units at 178 S. Main St, Newton NH (Also owned by the applicant).*
5. *A clean letter from the Fire Department regarding the driveway design with any changes needed to be shown on the recorded Mylar.*

Mr. Foote seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

Mr. Andrews Closed the Public Hearing at 9:36PM

3. Board Business and Correspondence

A. Acceptance of minutes of the 2/23/21 meeting

Ms. White **MOVED** to accept the minutes.

Ms. Collyer asked to include a statement that a comment made at the February 23rd meeting (by another Member) about the Fire Chief getting a lawyer was made in jest; that is not a recommendation of the Planning Board; and there is no reason for the Fire Chief to get a lawyer to deal with the Planning Board.

Ms. Collyer seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Abstain Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote with
1 abstention

B. NPREA Manifest

Ms. Collyer **MOVED** to pay the manifest dated 3/23/2021 in the amount of \$373.40.

Mr. Foote seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

C. Committees

Ms. Collyer informed the Board of her committee's work thus far and requested input on the Master Plan Steering Committee's survey.

Ms. Collyer **MOVED** to add Mr. LaVoie and Mr. Marchand to the Master Plan Steering Committee.

Ms. White seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

Mr. Andrews brought up the possible adoption of the 2021 Impact Fee Update. He suggested that this item be on the next meeting's agenda. He stated that the author of the update would be at the April 6th Selectmen's meeting and encouraged all Board members to attend and hear the presentation. A.A. Doggett will create an agenda for that meeting so there is no issue with having a quorum of the Planning

Board in attendance. The agenda will state that no Planning Board decisions would be made at the meeting.

Mr. Foote asked that page 4 of the application be an item on the next agenda.

A discussion ensued about page 4.

Ms. White **MOVED** authorize the vice-chair to sign documents in the absence of the Chair.

Mr. Foote seconded the motion.

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

Mr. Andrews – Aye Mr. LaVoie – Aye Mr. Moran – Aye Ms. Collyer – Aye
Mr. Foote – Aye Ms. White – Aye Mr. Zalenski - Aye **Unanimous** vote

3. **Adjourn.**

Chairman Andrews adjourned the meeting at 10:15PM

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board