

**NEWTON PLANNING BOARD PUBLIC MEETING**  
**Minutes of April 27<sup>th</sup>, 2021**

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

Chairman Andrews 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](mailto: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 extensions 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.

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

Mr. Andrews - home and alone	Mr. White – home and not alone
Ms. Collyer – In CA and alone	Mr. LaVoie - home and alone
Mr. Foote - home and alone	Mr. Moran - home and not alone
Ms. White – Home and not alone	

Also, Present:

Mr. Marchand – Alternate - home and alone
James Doggett – PB AA      Ms. Rowden - Circuit Rider

### 1. Public Hearing:

Chairman Andrews called the Public Hearing to order at: 7:07 PM and read:

**Sonny's Enterprises of Tamarac, FL, request a public hearing for an Amended Site Plan (adding retail space) at 9c Puzzle Lane, Newton NH. The property is referenced as Tax Map 14, Block 1, Lots 27-4.**

**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. Strassler to present his application.

Mr. Strassler made his presentation of changing the use of the space to include a small retail counter where clients may pick up supplies on an occasional basis. There would be no walk-in traffic and the retail space will not be open to the public.

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

Ms. Rowden offered her opinion that the application was complete but suggested the Board should vote on whether the plan fit in the definition of a Minor Site Plan. She suggested three possible inclusions to the conditions of approval.

Ms. Collyer **MOVED** to find that the application was of minimal impact and therefore met the criteria for a Minor Site Plan. 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. White - Aye	Ms. White – Aye	<b>Unanimous</b>	vote

There was a very brief discussion about completeness of the application.

Ms. Collyer **MOVED** to take jurisdiction; 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. White - Aye   Ms. White – Aye   **Unanimous** vote

Chairman Andrews invited the Public to give input or ask questions.

Abutter Mr. Fitzpatrick asked if original site plan requirements are part of the discussion. He went on to say that the landscaping plans from the original approved site plan had never been completed and he wonders who might be responsible for their completion.

Mr. Andrews answered that that would be a code enforcement issue. He asked the A.A. to pass along the Mr. Fitzpatrick's concerns.

Ms. Rowden added that items like overall landscaping would come into play if there was a full major non-residential site plan being presented.

Abutter Mr. Hamel brought up the changes shown on the original plan sheet with hand drawn changes supplied with the application and asked questions about changes other than those concerned under the jurisdiction of the application.

Mr. Andrews answered that aspect was not before the Board at this time. At this time the Board can only address the changes that are proposed in the application and that any building changes that did not come before the Board would trigger a code enforcement issue.

Mr. Hamel brought up the issue if vehicles idling overnight and that they were prohibited by the original site plan between 10PM and 6AM.

Ms. Collyer discussed the hours of operation and how they should prevent overnight idling of vehicles.

Ms. Rowden suggested that that could be added to the notice of decision.

Mr. Hamel asked if the change of use would cause any safety issues with customers crossing near the loading docks.

Mr. Strassler informed him that there would be very little foot traffic. Any non-employees crossing the parking lot would be the rare customer who was coming to pick up needed supplies and it would not be a frequent occurrence.

Mr. Hamel asked about the other units and their use.

Mr. Lekborg stated that each tenant would submit applications as they occupied the units.

Mr. Andrews closed the public input section and asked the applicants about the issue of idling vehicles.

Mr. Strassler stated that would not be an issue as they would not having vehicles on site overnight that were idling.

Mr. Kaiserian concurred with Mr. Strassler.

Chairman Andrews asked for a motion on the application.

Mr. Moran MOVED to Approve the Application with the following conditions:

***Conditions Precedent:***

- 1. Obtain all Local, State, And Federal Land Use Permits, including but not limited to approvals by the Building and Fire Departments.***
- 2. Meet all Public Health and Safety Codes.***
- 3. Confirm that adequate septic facilities exist prior to issuance of an occupancy permit.***

***Conditions Subsequent:***

- 1. All hazardous or regulated substances on site be handled, stored, and disposed of consistent with local, State, and Federal requirements.***
- 2. The Hours of operation shall be:***  
***For the retail counter: Monday – Saturday 8AM to 5PM***  
***For the warehouse: Monday – Saturday 6:30AM to 6PM***
- 3. No idling of vehicles between 10PM and 6AM***

Mr. LaVoie 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. White - Aye      Ms. White – Aye                      **Unanimous** vote

Chairman Andrews closed the Public Hearing at: 7:39PM and read:

**2. Board Business and Correspondence**

**A. Acceptance of minutes of the 4/13/21 meeting**

Ms. Collyer **MOVED** to accept the minutes; 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. White - Aye   Ms. White – Aye   **Unanimous** vote

**B. NPREA Manifest**

Ms. Collyer **MOVED** to pay the manifest dated 4/27/2021 in the amount of \$263.16.  
Mr. Moran 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. White - Aye   Ms. White – Aye   **Unanimous** vote

**C. Committees**

Ms. Collyer discussed the Master Plan Survey for putting it into the field; 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. White - Aye   Ms. White – Aye   **Unanimous** vote

Ms. Collyer **MOVED** to go into non-public under 91-A:3 - II,c. 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. White - Aye   Ms. White – Aye   **Unanimous** vote

Mr. Andrews invited Ms. Rowden to join the Board in non-public.  
The Board entered non-public at 7:51PM

The Board came out of nonpublic at 8:15

Ms. Collyer moved to seal the minutes of the non-public session until such time that a majority of the Board finds it wise and prudent to unseal them. Mr. LaVoie 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. White - Aye   Ms. White – Aye   **Unanimous** vote

Ms. Collyer moved to authorize the Chair to utilize the services of the Board's Land-Use Lawyer as needed between meetings. 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. White - Aye   Ms. White – Aye   **Unanimous** vote

### 3. **Adjourn.**

Chairman Andrews adjourned the meeting at 8:00PM

Respectfully Submitted,

James L. Doggett, AA  
Newton Planning Board