



# Newton Planning Board

## NEWTON PLANNING BOARD PUBLIC MEETING MINUTES July 13<sup>th</sup>, 2021



Chairman Andrews called the Newton Planning Board public meeting to order at: 7:00PM.

Those assembled saluted the Flag.

Present were:

Members: Mr. Andrews Ms. White Ms. Collyer  
Also Present: Mr. Marchand – Alternate  
James Doggett – PB AA Ms. Rowden - Circuit Rider

Chairman Andrews appointed Mr. Marchand as a voting member in place of Mr. LaVoie.

### 1. Public Hearing:

1. Chairman Andrews called the Public Hearing to order at: 7:05PM and read:

***Theresa and Scott Goad of Newton, NH request a Public Hearing for a Home-Based Business – Selling seafood at 109 N. Main Street, Newton, NH. The property is referenced as Tax Map 9, Block 3, Lot 6.***

The applicant was not present. The Chair stated he would recess the public hearing until the applicant arrived.

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

***TMS Racing Inc and Turner Service Inc, of Amesbury, Mass request a public hearing for a Change of Use (adding automotive service space) at 9A Puzzle Lane, Newton NH. The property is referenced as Tax Map 14, Block 1, Lots 27-4.***

**Chairman Andrews invited Mr. Turner to present his application.**

Mr. Valhouli made the presentation for Turner Motor Sports. He expressed that Turner Services Inc would not be a part of the business in Newton and was being phased out. He agreed to supply the Board with documentation to this effect. He further discussed

Planning Board Minutes July 13<sup>th</sup>, 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

the waiver request and the methodology of TMS. He stated that all testing of the vehicles is done at test-sites not in or around the building.

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

Ms. Rowden offered her opinion of certain items the Board might wish to include in the Conditions for approval. She further reminded the Board that they must find the plan has minor impact under:

## **POLICIES AND PROCEDURE MANUAL**

### 10. Procedure for Minor Application Review

- C. If the Board determines that the impact of the proposed project presents greater than minimum impact, the application shall not be eligible for Minor site plan review. Impacts that shall be considered include, but are not limited to, health, safety, and general welfare of the surrounding neighborhood and region, and impacts to the environment, and natural resources.

Ms. Rowden stated that with the decision on the impact the application was complete. She reminded the board their first order of business after taking jurisdiction would be to address the waiver request.

Ms. Collyer **MOVED** to declare the application as having minimum impact;  
Mr. Marchand seconded the motion. The vote was **UNANIMOUS**.

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

The Board took up the issue of the requested waiver from:

### Policies and Procedures Manual

### 10. Procedure for Minor Application Review

- B. No more than one Minor Application Review is permissible per lot or parcel every three years.

Ms. Collyer **MOVED** to grant the waiver as requested. Ms. White seconded the motion.  
The vote was **UNANIMOUS**.

Chairman Andrews asked the Board if they had any questions.

Planning Board Minutes July 13<sup>th</sup>, 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. 2

Mr. Valhouli stated there would be much less servicing of vehicles than previously planned as they would not be open to the public. And that there had been no noise complaints in the past 15 at their present location.

Mr. Andrews asked how many cars would be serviced per day, on average.

Mr. Turner stated that they would not be open to the public. He further stated that only those vehicles needed for the next race would be worked on at any given time, he mentioned that there could be the occasional oil change for their personal vehicles but that that would be rare. All storage would be inside the building and that these were premier level racing cars, not street cars. He went on to state that when these vehicles leave the building they travel on transporters and are not driven on public roads.

Ms. White asked about cars running inside the building and how exhaust would be handled.

Mr. Turner stated that they had plans to deal with any exhaust, however the vehicles are not running inside the building other than to turn the engine over to check a starter.

Ms. Collyer asked about a paint booth.

Mr. Turner stated that they do not paint their vehicles, instead they are wrapped in vinal. If they need to paint a small part, they will use a canned spray paint. There were no chemicals stored on-site, they use a company named Safety Clean for any potential hazardous materials, and very little racing fuel is stored on-site.

Mr. Andrews asked how much fuel would be stored.

Mr. Turner stated a couple of jugs, the size a homeowner might have in their garage.

Ms. White stated that the fuel should be stored in an approved, lockable storage cabinet.

Mr. Turner stated his insurance company has specific requirements on storage of fuel and any hazardous materials.

Mr. Andrews reminded the applicant that the Planning Board is the first step, that he would need to meet with the Building Inspector and possibly the Fire Department as the next steps.

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

Planning Board Minutes July 13<sup>th</sup>, 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. 3

There were several abutter comments about present noise of cars racing around the parking lots, idling trucks, the potential of Dyno Tuning taking place in the building, the hours of operation, and lack of Town oversight.

Mr. Turner stated that they would never run their race cars in the parking lot, that the fuel they use is far too expensive to waste idling the vehicles, that the transport trucks enter leave the building but do not sit outdoors and they do not do any dyno tuning on-site.

A.A. Doggett requested that a document stating the elimination of Turner Service inc. be supplied to the Planning Board office for inclusion in the file.

Ms. White reminded the applicant that any activity outside those presented would require a new application before the Board.

Mr. Valholui stated an amended application would be submitted to the Planning Board office.

Mr. Andrews stated to the abutters that Code Enforcement would be involved if there were a complaint. And that any servicing of vehicles other than those of the company would be a code violation.

Mr. Hamel asked if there had been any input from the Fire Chief.

A.A. Doggett stated that there had not been any input from the Fire Chief.

Mr. Turner stated his hours of operation would be Monday-Friday 7:30AM to 7:00PM though there may be the rare day when they came back later than planned from a race.

Chairman Andrews closed the public comment portion of the meeting.

Ms. Collyer asked about the possibility of requiring annual inspections to ascertain that the applicant was still in compliance.

Ms. Rowden opined against such a condition was not advisable .

The Board discussed enforcement and noise issues.

Ms. Collyer stated that there have been things happening on the site that were issues and she wished to protect the neighborhood.

Mr. Turner stated that it is his desire to be a good neighbor.

Chairman Andrews asked for a motion on the application.

Planning Board Minutes July 13<sup>th</sup>, 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. 4

Ms. Collyer **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. *Confirm that adequate septic facilities exist prior to issuance of an occupancy permit.*

**Conditions Subsequent:**

1. *All services are to be performed inside the building.*
2. *All hazardous or regulated substances on site be handled, stored, and disposed of consistent with local, State, and Federal requirements.*
3. *The Hours of operation shall be:*  
*For the Service Area: Monday – Friday 7:30AM to 4:30PM*  
*For the Office: Monday – Friday 7:30AM to 7:00PM*
4. *No idling of vehicles between 7:00PM and 7:30AM*
5. *No commercial/retail servicing of vehicles without a new application/approval of the Planning Board.*
6. *No Dyno Tuning without a new application/approval of the Planning Board.*

Mr. Marchand seconded the motion.

The vote was **UNANIMOUS**.

Chairman Andrews closed the public hearing at 8:25.

Chairman Andrews call the Goad public hearing back to order at 8:26.

Ms. White **MOVED** to continue the public hearing to July 27<sup>th</sup>, 2021; Mr. Marchand seconded the motion.

The vote was **UNANIMOUS**.

## **2. Board Business and Correspondence**

### **A. Acceptance of minutes of the 6/8/21 meeting**

Ms. White **MOVED** to accept the minutes.; Ms. Collyer seconded the motion.

The vote was **UNANIMOUS**.

### **B. NPREA Manifest**

Ms. White **MOVED** to pay the manifests dated 7/13/2021 in the amount of \$ 13,095.52; Ms. Collyer seconded the motion.

The vote was **UNANIMOUS**.

Planning Board Minutes July 13<sup>th</sup>, 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. 5

Ms. White **MOVED** have the A.A. send letters on arrearage and check with council on how to handle them; Ms. Collyer seconded the motion.

The vote was **UNANIMOUS**.

**C. Circuit Rider Contract**

Ms. Collyer **MOVED** to sign the Circuit Rider Contract for the 2021-22 year, Ms. White seconded the motion

The vote was **UNANIMOUS**.

**D. Virtual VS. In-Person meetings.**

Ms. White **MOVED** to have future meeting be in person with a virtual aspect. The agenda would have Zoom information, but Chat would be disabled. The following will be added to the agendas and abutter notices.

**Public Phone Call-in begins at 7:00pm**

**+ 1 929 205 6099 US (New York)**

**Meeting ID: 857 9485 7855**

**To attend via Zoom, click on the link**

**below.<https://us02web.zoom.us/j/https://us02web.zoom.us/j/85794857855>**

**Virtual public participation will be allowed during the public comment section. The “chat” feature will be disabled. Please use the “raise hand” feature to be recognized. You must provide your name and address which will be recorded in the minutes. You will be granted the same time allotment as those members of the public that are at the physical location.**

**For help email [planningboard@NewtonNH.net](mailto:planningboard@NewtonNH.net)**

Members may participate virtually as long as a majority of the Board is present in Town Hall. Applicants may participate virtually if they have a compelling reason not to be at the meeting and with prior approval of the chair.

Ms. Collyer seconded the motion.

The vote was **UNANIMOUS**.

**E. Committees**

Master Plan Committee report:

Ms. Collyer **MOVED** to hold a public hearing on 8/10/2021 at 7:00 on the new chapters of the Master Plan. Ms. White seconded the motion.

The vote was **UNANIMOUS**.

Planning Board Minutes July 13<sup>th</sup>, 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. 6

A.A. Doggett will review The Rules of Procedure and suggest language for an annual review of the committee charges.

Application Re-draft Committee report

A.A. Doggett will work with Ms. White on a condominium conversion application form and instructions.

### **3. Adjourn.**

Chairman. Andrews adjourned the meeting at 10:00PM.

Respectfully Submitted,

James L. Doggett, AA  
Newton Planning Board

Planning Board Minutes July 13<sup>th</sup>, 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. 7