



Newton Planning Board

NEWTON PLANNING BOARD PUBLIC MEETING MINUTES September 14th, 2021



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

Present, in-person were:

Members: Mr. Andrews Mr. Moran Mr. LaVoie Mr. Foote
Also Present: Mr. Marchand – Alternate Mr. Zalenski - Alternate
James Doggett – PB AA and Ms. Rowden - Circuit Rider

Present, via Zoom were:

Members: Ms. White and Ms. Collyer

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

1. Public Hearing:

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

The Newton Planning Board will hold a public hearing on adoption of new Introduction, Vision, and Government & Facilities chapters of the Newton Master Plan. The documents are available on the Town's website and at Town Hall.

Chairman Andrews asked for public input.

There was no public comment.

Chairman Andrews asked for a motion to adopt.

Mr. Lavoie **MOVED** to adopt the new Introduction, Land Use, and Vision chapters. Mr. Moran seconded the motion.

Chairman Andrews asked Administrative Assistant Doggett to call the roll:

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

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2. Chairman Andrews called the Public Hearing to order at: 7:10PM and read:

125 Development NH Corp of Plaistow, NH requests a public hearing for a 4 lot Subdivision at 6 Puzzle Lane, Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-3.

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

Ms. Rowden offered her opinion that this application was the same as the one conditionally approved in September of 2020. However, that that approval expired due to the conditions not being met. She stated that with the approved waiver requests the Board could act on the application. She listed her suggested conditions for approvals, these suggestions were the same as the original conditions with the addition of a note that the proposed lot 14-1-(27-7) could not be developed without variances and was an unbuildable lot as drawn.

Mr. Gier stated his agreement with the conditions as suggested by Ms. Rowden.

Chairman Andrews opened the floor for public comment.

Mr. Moran noted that this application was only for the subdivision of land and naught else.

Ms. Rowden reiterated that any further development on any of these new lots would require separate site plan applications with the abutter notices as was done for the current public hearing.

Ms. Kozlowski (abutter) spoke of her concerns (see attached).

Chairman Andrews asked for further public comment. Hearing none, he closed the public hearing at 7:17PM

Chairman Andrews ask if a member wanted to make a motion on the application.

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

1. Must include all professional signatures and stamps.
2. All Waivers and Variances received must be listed on the first recorded page.
3. Approval by the Plaistow NH Planning Board with signature block on mylar.
4. Note about the Plaistow Planning Board to be removed.
5. Note that lot 14-1-(27-7) would require variances to be built upon to be added.
6. Legal protections for the Town of Newton and liability waivers must be in place per Subdivision Regulations:

8.2.4 Driveway, Access, Road Design and Traffic Technical Design Standards

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A. Driveways and Access Points

1. Access to Town Roads

As part of any waiver request, the applicant shall present language that releases the town from any liability for failure to access any site served by the common driveway with safety vehicles and equipment due to substandard construction, lack of maintenance, negligence on the part of any landowner served by the common driveway, and failure to maintain all season passability. Such language shall be placed on the recorded Mylar.

4. Private Roads

Private streets serving developments shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership. All private roads shall comply with these and other town regulations relating to construction and maintenance.

7. Set the bounds.

Mr. Foote seconded the motion.

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

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

Chairman Andrews opened the public hearing at 7:20 and read.

3. 125 Development NH Corp of Plaistow, NH requests for a public hearing for a 6-unit condo conversion at 3 Puzzle Lane, Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-4.

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

Ms. Rowden commented that this application was complete. She informed the Board that there would need to be a discussion of the floorplans as submitted and if they met the Board's requirement and that the plans need to show unit numbers on the plans. She stated that for the unfinished building that the applicant could be allowed to submit "as Built" plans after it had been completed. She further stated that there would need to be liability waivers to cover Legal protections for the Town of Newton and liability waivers must be in place per Subdivision Regulations:

8.2.4 Driveway, Access, Road Design and Traffic Technical Design Standards

A. Driveways and Access Points

1. Access to Town Roads

and

4. Private Roads

Chairman Andrews read the legal opinion on the requirements of floorplans and informed the applicant of how to fix the floorplan sheet.

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Chairman Andrews ask if a member wanted to make a motion on completeness of the application

Mr. LaVoie **MOVED** that the application was complete and to take jurisdiction.
Mr. Moran seconded the motion.

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

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

Chairman Andrews invited Mr. Casey to present the application

Mr. Casey stated that there would be no further development on this site.

Mr. Andrews stated that this application would create no new lots and that no waivers could be granted in accordance with the Zoning Ordinances.

Ms. Rowden stated that this was not a subdivision of land but a subdivision of buildings.

Mr. Marchand stated it was like when someone converts an apartment building into condos.

Mr. Andrews opened the floor for public comment.

Ms. Autumn Warnock (abutter) expressed her concerns about the development devaluing her property and the nuisance that has been created in her backyard.

Ms. Kozlowski (abutter) expressed her concerns about the conditions that had been previously imposed on the various buildings and how they would be handled.

Ms. Rowden stated that they would continue to be in force.

Ms. Kozlowski went on to comment that the condo docs don't agree with the zoning ordinances to wit: the condo docs allow for subdividing the interiors of buildings, and overnight parking is permitted. The roadway liability states that parking cannot exceed 12 hours, however there is no start or end-time for this stipulation.

Mr. Lekberg stated that no additional partitioning of the interior of any building would be permitted. Each building would remain as it currently is configured. There is no overnight parking allowed.

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Ms. Kozlowski stated that the condo docs do not agree with what Mr. Lekberg stated. Trucks are idling overnight.

Mr. Andrews stated that the Condo Docs do need to comply with current zoning ordinances.

Ms. Rowden stated that each building must still comply with any site plan regulations set for it.

Mr. Lekberg stated that the sprinkler systems would not allow for further subdivision of the buildings.

Mr. Andrews asked when a change of use would be needed.

Ms. Rowden stated anytime a change of occupant was not exactly the same as the prior occupant they would need a change of use.

Ms. Kozlowski asked about noticing and why sometimes she was noticed and other times not.

Ms. Rowden explained the noticing procedure and suggested she should have been noticed for the condominium conversion.

Ms. Kozlowski stated she would like to be noticed for any other applications on the site.

Mr. Lekberg explained gave his interpretation of the process.

Mr. Corcoran asked when the landscaping would be finished.

Mr. Andrews stated that it would carry forward and be enforced by Code Enforcement.

Mr. Lekberg stated that the landscaping would be finished when the construction was finished.

Ms. Rowden stated that the landscaping will need to be completed per the recorded site plan.

Ms. Judy McGonagle asked about the present occupants.

Mr. Andrews informed her that the building are presently occupied and if there are changes with new occupants, they would need to submit new site plans to the Planning Board.

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Ms. Collyer stated that she empathizes with the abutters and explained that the Planning Board applies the zoning Ordinances and cannot violate them but cannot enforce them. She suggested that if there is no response to the complaints then people need to speak to the Selectmen.

Mr. Andrews asked for Board Member comments.

The Board discussed possible conditions of approval.

Chairman Andrews closed the public hearing at 8:20.

Chairman Andrews asked for a motion on the application

Mr. Marchand **MOVED** to Approve the Application with the following conditions (compiled from prior notices of approval and newly discussed):

Conditions Precedent:

1. *Obtain all Federal, State, and local permits.*
2. *Meet all Public Health and Safety Codes.*
3. *Floor Plan sheet to be corrected.*
4. *Supply recordable Mylars of pages 4 and 5, Declaration, By-laws, and Rules.*
5. *Legal counsel signoff that Condominium Documents agree with Zoning Ordinances.*
6. *Final mylars must have all necessary professional stamps.*
7. *The landscape plan for the property as recorded shall be completed by 125 Development NH Corp.*
8. *Meet the requirements on the Checklist for Condominium Conversion on page 54 of the 2020 Zoning Ordinance Manual.*
9. *Conditions Subsequent shall be listed on the recorded Mylar.*
10. *Legal protections for the Town of Newton and liability waivers must be in place per Site Plan Regulations:*

8.2.4 Driveway, Access, Road Design and Traffic Technical Design Standards

A. Driveways and Access Points

1. Access to Town Roads

As part of any waiver request, the applicant shall present language that releases the town from any liability for failure to access any site served by the common driveway with safety vehicles and equipment due to substandard construction, lack of maintenance, negligence on the part of any landowner served by the common driveway, and failure to maintain all season passability. Such language shall be placed on the recorded Mylar.

5. Private Roads

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Private streets serving developments shall remain in private ownership and the developer shall provide legal instruments to insure their continued maintenance and ownership. All private roads shall comply with these and other town regulations relating to construction and maintenance.

Conditions Subsequent:

- 1. Copies of all as-built plans shall be provided to the Planning Board.*
- 2. Confirm that adequate septic facilities exist prior to issuance of an occupancy permit.*
- 3. All services are to be performed inside the building.*
- 4. All hazardous or regulated substances on site be handled, stored, and disposed of consistent with local, State, and Federal requirements.*
- 5. The Hours of operation shall be handled on a business-by-business basis.*
- 6. No idling of vehicles between 7:00PM and 7:30AM.*
- 7. No commercial/retail servicing of vehicles without a new application/approval of the Planning Board.*
- 8. No Dyno Tuning without a new application/approval of the Planning Board.*

Ms. Collyer seconded the motion.

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

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

Chairman Andrews opened the public hearing at 8:29.

- 4. Steven Harrington of Newton, NH requests a Public Hearing for a Conditional Use Permit – Home Based Business (Overhead Door Sales and Service) at 8 George's way, Newton, NH. The property is referenced as Tax Map 7, Block 3, Lot (14-7). Approved 9-14-21.*

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

Ms. Rowden commented that this application was complete.

(At this time Ms. White lost her connection and Chairman Andrews appointed Mr. Zalenski as a voting member)

Chairman Andrews ask if a member wants to make a motion on completeness of the application

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Mr. Marchand **MOVED** that the application was complete and to take jurisdiction.
Mr. Foote seconded the motion.

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

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

Chairman Andrews invited Mr. Harrington to present his application

Mr. Harrington stated he did not work at his house he only serviced client's overhead doors at their premises. He stated his wife would not be happy if he brought materials home. He also informed the Board that this is driven by his desire to register his work-truck at his home.

Mr. Andrews opened the floor for public comment. There was none.

Mr. Andrews asked for Board Member comments. There was none.

Chairman Andrews closed the public hearing at 8:34.

Chairman Andrews asked for a motion on the application

Mr. Marchand **MOVED** to Approve the Application with the following conditions:

Conditions Prescient:

- 1. Obtain all Local, and State Land Use Permits.**

Conditions Subsequent:

- 5. No outdoor storage of materials.**
- 6. Business practices to stay within the Zoning ordinances:**
SECTION XII HOME OCCUPATIONS AND HOME-BASED BUSINESSES (Added March 1995, amended March 2003, amended March 2007, Amended March 2012)

Ms. Collyer seconded the motion.

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

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

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Chairman Andrews opened the public hearing at 8:40PM and read:

5. Melissa Hanson of Newton, NH requests a Public Hearing for a Conditional Use Permit – Home Based Business (Child Care) at 88 S. Main St., Newton, NH. The property is referenced as Tax Map 13, Block 5, Lot 1. Approved 9-14-21.

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

Ms. Rowden commented that this application was complete.

Chairman Andrews ask if a member wants to make a motion on completeness of the application

Mr. Marchand **MOVED** that the application was complete and to take jurisdiction.
Mr. Moran seconded the motion.

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

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

Chairman Andrews invited Ms. Hanson to present her application

Ms. Hanson stated she was looking to open a home day care for a maximum of 12 children. She stated she had started the process with the state and that all activities would happen either inside her home or in the fenced yards.

Mr. Andrews opened the floor for public comment. There was none.

Mr. Andrews asked for Board Member comments. There was none.

Chairman Andrews closed the public hearing at 8:49.

Chairman Andrews asked for a motion on the application

Mr. Marchand **MOVED** to Approve the Application with the following conditions:

Conditions Prescient:

2. Obtain all Local, and State Permits.

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Conditions Subsequent:

7. **All outdoor business paraphernalia shall be kept in the fenced sections of the yead.**
8. **Hours of Operation shall be:**

6:30AM to 6:30PM Mondays to Fridays.

Mr. Moran seconded the motion.

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

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

2. Board Business and Correspondence

A. Acceptance of minutes of the 8/10/21 meeting

Mr. LaVoie **MOVED** to accept the minutes; Mr. Foote seconded the motion.

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

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

B. NPREA Manifest

Ms. Collyer **MOVED** to pay the manifest in the amount of \$308.18; Mr. Lavoie seconded the motion.

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

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

There was a brief discussion of Zoning Verification Forms.

Mr. Moran **MOVED** to allow A.A. Doggett to sign any future State Zoning Verification forms; Mr. LaVoie Seconded the motion.

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

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

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3. Adjourn.

Chairman. Andrews adjourned the meeting at 9:01PM.

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board

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