

NEWTON PLANNING BOARD PUBLIC MEETING MINUTES

July 28th, 2020

Chairman Hamel called the Public Meeting to order at 7:04pm and 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 2020-15 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 2020-15 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 asked Administrative Assistant Doggett to call the roll:

Mr. Hamel – Present and alone	Mr. White – Present and not alone
Ms. Estabrook – Present and not alone	Mr. Andrews – Present and alone
Ms. Collyer – Present and alone	Mr. Crnolic – Not Present
Mr. Foote – Present and alone	

Also Present:

Ms. Allen - Alternate – Present and alone Ms. White - Alternate – Present and not alone

James Doggett – PB AA – Present and alone Ms. Rowden - Circuit Rider–Present and alone

Mr. Hamel appointed Ms. Allen as a voting member in place of Mr. Crnolic for the evening.

Mr. Hamel asked if there were any motions on the duration of the meeting.

Mr. Andrews **MOVED** that the meeting adjourn at 9:30, unless still in an open public hearing, except to open and continue any remaining Public Hearings as well as deal with anything under “Other Business”. Any unresolved Public Hearings will be the first items on the next meeting agenda. Ms. Collyer seconded the motion.

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

Mr. Hamel - yes	Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote - yes
Mr. White - yes	Mr. Andrews - yes	Ms. Allen – yes	Unanimous vote

The following Public Hearings were held:

Chairman Hamel recused himself for the next two Public Hearings.

1. Vice-Chairman Estabrook appointed Ms. White as a voting member in place of Mr. Hamel. She then called the Public Hearing to order at: 7:09PM 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.

Ms. Estabrook noted that this is a continuance of the Public Hearing from July 14th, 2020.

Mr. Gregsak requested a continuance of the Public Hearing to the next meeting due to the plans coming in too late for the meeting deadline.

Ms. Collyer **MOVED** to continue the public hearing to the meeting on August 11th, 2020.
Mr. Foote seconded the motion.

Ms. Estabrook asked Administrative Assistant Doggett to call the roll:

Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote – yes	Mr. White - yes
Mr. Andrews - yes	Ms. Allen – yes	Ms. White - yes	Unanimous vote

2. Vice-Chairman Estabrook called the Public Hearing to order at: 7:19PM and read:

125 Development NH Corp of Plaistow, NH requests a public hearing for a Design Review of a 36 Lot Subdivision South Main Street (Rte. 108) Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 27-3.

Ms. Estabrook noted that this is a continuance of the Public Hearing from July 7th, 2020.

Ms. Rowden outlined a synopsis of a statement from the Rockingham Planning Commission:

That Rockingham Planning Commission had received notice of the declaration of Regional Impact by the Newton Planning Board for the 36-lot Light Industrial/ Commercial Subdivision Design Review application from 125 Development Corp.

That the Director, in consultation with the Chair of the Development of Regional Impact Committee, determined that the committee would defer meeting during the design review process and, instead, convene when the developer files a complete subdivision application for the proposed development.

In the meantime, the RPC Staff has been directed to review the design review application and provide a written memo based on the information available to the Newton and Plaistow Planning Boards by August 21, 2020, relative to the possible impact of the proposed development on a neighboring municipality.

Mr. Lekborg stated that the plans for the subdivision would be done by the August 25th meeting.

Mr. Gregsak stated that they were hiring an engineer to do a traffic study and an application for a NH-DOT permit; they will be submitting for a Dredge and Fill permit; and submitting for an Alteration of Terrain Permit.

Mr. Lekborg asked if the plans had been submitted to the Town Engineer Mike Vignale. He was informed that they were.

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Ms. Estabrook believed that Mr. Vignale's comments would most likely come once the formal plan had been submitted.

Ms. Rowden offered that the Board could request the Town Engineer review the plan now and offer his review, but that his input would be very limited.

Ms. Collyer asked if there was any reason Mr. Vignale's comments would not be requested at this time.

Ms. Rowden offered that most towns would not engage their Town Engineer at the Design Review stage, but the scale of the plan could warrant it.

Ms. Estabrook suggested that the applicant review the town's Zoning and Regulations and make every effort to stay within them, then the Board would be able to respond to the application.

Mr. Gregsak stated that they would like to be able to work with Mr. Vignale from the beginning to make sure if there were issues along the way they could be handled quickly.

Mr. Andrews reiterated his concerns about the intensity of the density of proposed building over an aquifer, the setbacks both from other zones and from wetlands.

Ms. Collier brought up the prospect of a site-walk. A discussion ensued.

Ms. Rowden reminded the Board that a site-walk could only be done once jurisdiction had been taken on a formal application.

Ms. Collyer commented that while she understood the earlier comments about intensity of building, as long as the abutters are protected and the zoning has been met, the developer can build to the density allowed.

Ms. Estabrook responded that to her this meant that a plan would come in without needing variances.

Ms. Estabrook **MOVED** to continue the public hearing to the meeting on August 25th, 2020. Ms. Collyer seconded the motion.

Ms. Estabrook asked Administrative Assistant Doggett to call the roll:

Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote – yes	Mr. White - yes
Mr. Andrews - yes	Ms. Allen – yes	Ms. White - yes	Unanimous vote

Chairman Hamel returned to the Board.

3. Mr. Hamel called the Public Hearing to order at: 7:30PM and read:

Sedat Uguz and Brittany Cormier of Newton, NH request a Public Hearing for a Conditional Use Permit – Home Based Business at 57 Pond St., Newton, NH. The property is referenced as Tax Map 5, Block 6, Lot 4-1.

Mr. Hamel invited Mr. Uguz to present his application

Mr. Uguz made his presentation on the Home-Based Business as a firearms dealer explaining he would mostly be selling at gun shows and that he had met with Police Chief Jewett.

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

Ms. Rowden offered her opinion that the plan met all Conditional Use – Home Occupation requirements.

A.A. Doggett informed the Board that the ATF required a physical location for their permitting and in the past the Home-Based Business permit satisfied that requirement.

Mr. Foote asked if gunpowder would be stored on-site.

Mr. Uguz stated that he had no plans to deal with gunpowder and his permit excluded it; neither would he be selling ammo.

Ms. White reminded the Board that they have required gun dealers to come back in 12 months for a final review.

Mr. Andrews asked how many guns would be kept in stock.

Mr. Uguz stated that he would keep very little if any inventory, at most one rifle and one shotgun. He basically took orders, ordered the item, and then made deliveries.

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

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

(Mr. Hamel appointed Ms. White as a voting member in place of Ms. Allen who could not be heard)

Ms. Allen-
Mr. White-yes
Ms. White-yes

Mr. Andrews-yes
Ms. Collyer-yes

Ms. Estabrook-yes
Mr. Hamel-yes

Mr. Foote-yes
Unanimous vote

Mr. Hamel invited public comments, there were none.

Ms. White **MOVED** to approve the Application for the Home-Based Business with the condition that he come back in a year for a review. Mr. Andrews seconded the motion.

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

Mr. Hamel -yes	Mr. Andrews-yes	Ms. Estabrook-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Ms. White-yes	Unanimous vote

Chairman Hamel closed the public hearing at 7:54

Chairman Hamel recused himself for the next Public Hearing.

4. Vice-Chairman Estabrook appointed Ms. White as a voting member in place of Mr. Hamel. She then called the Public Hearing to order at: 7:55PM and read:

125 Development NH Corp of Plaistow, NH requests 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.

Ms. Estabrook noted that this is a continuance of the Public Hearing from July 14th, 2020.

Mr. Gregsak requested a continuance of the Public Hearing to the next meeting due to the plans coming in too late for the meeting deadline.

Ms. Collyer **MOVED** to continue the public hearing to the meeting on August 11th, 2020. Mr. White seconded the motion.

Ms. Estabrook asked Administrative Assistant Doggett to call the roll:

Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote – yes	Mr. White - yes
Mr. Andrews - yes	Ms. White - yes	Unanimous vote	

Chairman Hamel returned to the Board.

5. Mr. Hamel called the Public Hearing to order at: 7:58PM and read:

James Summers of Newton, NH requests a Public Hearing for a Conditional Use Permit – Home Based Business at 41 Heath St., Newton, NH. The property is referenced as Tax Map 4, Block 6, Lot 3-10.

Mr. Hamel invited Mr. Summers to present his application.

Mr. Summers made his presentation on the home, internet-based, technical support business explaining he has a home office and wished to register his business vehicles in Newton.

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

Ms. Rowden offered her opinion that the plan met all Conditional Use – Home Occupation requirements.

A.A. Doggett informed the Board that the Town required a physical location when registering a business owned vehicle and the Home-Based Business permit satisfied that requirement.

Mr. Hamel asked about the Gross Vehicle Weight as the Town had restrictions over a certain size.

Mr. Summers assured the Board that these were passenger cars.

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

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

Ms. Allen-yes	Mr. Andrews-yes	Ms. Estabrook-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Mr. Hamel-yes	Unanimous vote

Mr. Hamel opened the floor for public input, there was none.

Ms. Collyer **MOVED** to approve application. Mr. White seconded the motion.

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

Ms. Allen-yes	Mr. Andrews-yes	Ms. Estabrook-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Mr. Hamel-yes	Unanimous vote

Chairman Hamel closed the public hearing at 8:04

Chairman Hamel recused himself for the next Public Hearing.

6. Vice-Chairman Estabrook appointed Ms. White as a voting member in place of Mr. Hamel. She then called the Public Hearing to order at: 8:05PM and read:

Bijal Realty, LLC of Newton, NH requests a public hearing on a Minor Non-Residential Site Plan – Change of Use at 21 S. Main St., Newton, NH. The property is referenced as Tax Map 11, Block 5, Lot 20.

Mr. Chapman presented the application for a Change of Use at 21 South Main St. He discussed his plans to move his business which lays low-voltage underground cables to the site of the former hardware store and feed store. That the business has no clients who come into the business that all work is done off-site.

Ms. Estabrook asked what would be stored on-site

Mr. Chapman informed her that the business has 8-10 pick-up trucks with landscaper-type trailers but that for 8-9 months each year they were usually stored at the installers' houses and would only be at the site for picking up and dropping off supplies. The business would store PVC pipe, conduit, and flex pipe in the old feed store. Employee parking would be at the front of the building

Mr. Foote mentioned that he could not remember when the building was last occupied and that they would have to meet current life-safety codes.

Ms. Rowden suggested that that issue could be a condition of approval.

Ms. Rowden inquired if they would be doing any vehicle maintenance on site.

Mr. Chapman replied that they did not do their own vehicle maintenance but would use a local garage.

Ms. Rowden suggested that another condition of approval could be that "no maintenance of vehicles be done on the site."

Mr. Foote suggested that the area designated for truck storage might be a fire-lane. He feels that the applicant should meet with the Fire Chief to do a walk-through to point out issues

Mr. Chapman stated that the hardware store would house 2 offices and a storage in the rear building.

Ms. Estabrook asked about parking.

A discussion on parking and Life-safety ensued.

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

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

Ms. Allen-yes
Mr. White-yes

Mr. Andrews-yes
Ms. Collyer-yes

Ms. Estabrook-yes
Ms. White-yes

Mr. Foote-yes
Unanimous vote

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Ms. Estabrook opened the floor for public comment, there was none.

Ms. Estabrook thanked the applicant for the quality of his application.

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

1. A life safely and all other inspections.
2. That no vehicle maintenance be done on-site

Mr. White seconded the motion.

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

Ms. Allen-yes	Mr. Andrews-yes	Ms. Estabrook-yes	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Ms. White-yes	Unanimous vote

Ms. Estabrook closed the public hearing at 8:25PM.

Chairman Hamel returned to the Board.

7. Mr. Hamel called the Public Hearing to order at: 8:25PM and read:

Victor Meola of Plaistow NH with Alex and Nina Meola of Newton, NH request a Public Hearing for a Conditional Use Permit – Accessory Apartment at 14 Tanglewood Dr., Newton, NH. The property is referenced as Tax Map 6, Block 9, Lot 20.

Mr. Hamel invited Mr. Meola to present his application

Mr. Meola made his presentation on the Accessory Apartment explaining that it would be new and existing part of the home above a soon-to-be built 2 car garage and an existing single car garage. There would be no exterior evidence of the apartment other than a new staircase on the outside of the gable end of the garage.

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

Ms. Rowden offered her opinion that it would be nice to see an actual floor plan. She suggested a notice of decision include the restriction that the floorplan must not exceed 800 square feet. She further opined that the Board needed to decide if the Regulations referred to the area of the footprint of the building or the living space of the apartment.

A discussion ensued about living space, the floorplan, and life-safety issues. The Board concluded that the area behind the knee-wall was not part of the square footage of the apartment; this brings the square footage of the apartment to just under 800 square feet.

Mr. Hamel opened the floor for Public Comments. There were none.

Mr. Hamel asked for a motion on the application

Mr. Andrews **MOVED** to approve the Application with the following condition:

1. The apartment is limited to 800 square feet. The area contained behind the knee-wall in the apartment is not part of the square footage calculation.

Ms. Collyer seconded the motion.

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

Mr. Allen-yes	Mr. Andrews-yes	Ms. Estabrook-no	Mr. Foote-yes
Mr. White-yes	Ms. Collyer-yes	Mr. Hamel-yes	6 in favour/ 1 against

Chairman Hamel closed the public hearing at 9:05

7. Board Business and Correspondence

a. NPREA Manifest

Ms. Collyer **MOVED** to approve the July 28th NPREA Manifest in the amount of \$87.09, Mr. Foote seconded the motion.

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

Mr. Hamel - yes	Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote - yes
Mr. White - yes	Mr. Andrews - yes	Ms. Allen – yes	Unanimous vote

b. Acceptance of minutes of the 7/14/20 Public Meeting

Ms. Collyer **MOVED** to accept the minutes. Mr. White seconded the motion. Ms. Collyer offered the following correction: To add on page 8, just after Ms. Estabrook appointed Ms. White as a voting member, that Mr. Foote had stated that there were 5 alternates and that they should rotate in serving as voting members. That while the Board had not voted on the issue it had agreed to alternate rotation

Ms. Rowden suggested that this would require a Public Hearing to change the Policies and Procedures.

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

Mr. Hamel - yes	Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote - yes
Mr. White - yes	Mr. Andrews - yes	Ms. Allen – yes	Unanimous vote

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c. Circuit Rider Contract

Ms. Collyer **MOVED** to have the chair sign the 2020-21 Circuit Rider Contract Mr. Foote seconded the motion.

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

Mr. Hamel - yes	Ms. Estabrook - yes	Ms. Collyer - yes	Mr. Foote - yes
Mr. White - yes	Mr. Andrews - yes	Ms. Allen – yes	Unanimous vote

d. Correspondence – None

8. Adjourn: Chairman Hamel adjourned the meeting at: 9:19pm

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board