



## Newton Planning Board Public Meeting Minutes January 11, 2022



The Newton Planning Board public meeting was called to order at: 7:01PM

Present were members Mr. Andrews, Mr. LaVoie, Mr. Moran, Ms. Collyer, Ex Officio Mr. Foote, Alternates Mr. Marchand, and Mr. Zalenski, Also James Doggett – PB AA  
Via Zoom was Member Ms. White and Ms. Rowden - Circuit Rider

Chairman Andrews appointed Mr. Marchand as a voting member for the excused Mr. White.

1. Chairman Andrews called the Public Hearing to order at: 7:02PM and read:

*This warrant article comes to this public hearing in amended form. The language has been simplified but it has the same intent as the published verbiage: "Shall the Voters of Newton authorize the Planning Board to create and annually update a C. I. P. (Capital Improvement Program) in accordance with NH RSA 674:5?" As proposed by the Newton Planning Board.*

Mr. Andrews invited the Public to give input or ask questions stating: *When on Zoom please announce your name and address so the Administrative Assistant can note it for the minutes.*

There was no public to give input. There was no Planning Board input

Chairman Andrews asked for a motion to place this question on the Official Ballot

Ms. Collyer **MOVED** to place the question on the Official Ballot; 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
Ms. White – Aye	Mr. Marchand – Aye	Mr. Marchand – Aye	Mr. Foote - Aye

**UNANIMOUS vote**

Chairman Andrews asked for a motion to recommend this article to the Voters

Mr. Marchand **MOVED** to recommend the article; Ms. Collyer seconded the motion.

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

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

**UNANIMOUS vote**

**Chairman Andrews closed the Public Hearing at: 7:06PM.**

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

***Mary DeStefano of Newton, NH, requests a public hearing for a Home-Based Business (Vending Machine ) 6 West Main Street, Newton NH. The property is referenced as Tax Map 6, Block 14, Lot 1.***

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

Ms. Rowden offered her opinion that the application was complete, and the waiver was unusual but understandable.

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

Mr. LaVoie **MOVED** to accept the application as being complete and take jurisdiction; 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  
Ms. White – Aye    Mr. Marchand – Aye    Mr. Marchand – Aye    Mr. Foote - Aye

**UNANIMOUS vote**

Mr. LaVoie **MOVED** to grant the requested waiver; 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  
Ms. White – Aye    Mr. Marchand – Aye    Mr. Marchand – Aye    Mr. Foote - Aye

**UNANIMOUS vote**

Chairman Andrews invited the Ms. DeStefano to present her application

Mr. Ms. DeStefano made her presentation for a vending machine business, stocking them and maintaining the products. Her plan for a small office space in her home (apartment) and all other business activity to take place off-site.

Chairman Andrews Stated that the application was to allow the applicant to use her address as the business's address for registering her car, band account etc.

Ms. Rowden suggested that no vending machines be stored on-site.

Ms. Collyer asked about hours of operation. The Board discussed the issue.

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Mr. Marchand asked what the vending machines would distribute.

Ms. DeStefano replied that it would be healthy choice snacks. They items would be stored in the designated workspace in her apartment. She has no plans to buy in bulk and store a large number of items.

Mr. Andrews invited the Public to give input or ask questions, there were none.

Chairman Andrews asked for a motion on the application.

Mr. Zalenski asked about a life safety inspection. The Board discussed the issue.

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

**Conditions Prescient:**

1. **Obtain all Local, and State Land Use Permits, including but not limited to a life safety inspection.**

**Conditions Subsequent:**

1. **No outdoor storage of business-related materials.**
2. **All business shall take place inside the apartment or off-site**
3. **Hours of operation shall not significantly detract from the quality of the neighborhood.**
4. **Business refuse may not be taken to the Newton Transfer Station as part of the household trash.**

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  
Ms. White – Aye    Mr. Marchand – Aye    Mr. Marchand – Aye    Mr. Foote - Aye

**UNANIMOUS vote**

Chairman Andrews asked that it be noted in the minutes that there should be a future discussion about a town-wide list of home-based businesses.

Chairman Andrews closed the public hearing at 7:30

**3. Schroder- Hamilton Request for an extension.**

Ms. White **MOVED** to grant a 6-month extension to Mr. Schroder for the completion of the conditions for his lot-line adjustment; Mr. LaVoie seconded the motion.

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

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

**UNANIMOUS vote**

#### **4. Board Business**

##### **a. Acceptance of minutes of the 11/9/21 meeting**

Ms. Collyer **MOVED** to accept the minutes as printed; 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  
Ms. White – Aye    Mr. Marchand – Aye    Mr. Marchand – Aye    Mr. Foote - Aye

**UNANIMOUS vote**

##### **b. NPREA Manifest**

Ms. White **MOVED** to pay the manifest dated 12/7/2021 in the amount of \$1745.90;  
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  
Ms. White – Aye    Mr. Marchand – Aye    Mr. Marchand – Aye    Mr. Foote - Aye

**UNANIMOUS vote**

##### **c. Non-public**

Ms. Collyer **MOVED** to go into non-public under 91-A:3,II (a) (employee complaint);  
Mr. Marchand 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  
Ms. White – Aye    Mr. Marchand – Aye    Mr. Marchand – Aye    Mr. Foote - Aye

**UNANIMOUS vote**

The Planning Board entered non-public at 7:37PM.

The Planning Board returned to the public meeting at 8:57PM.

Mr. Foote **MOVED** to seal the minutes to the non-public meeting except those items the Planning Board wished to share with the Board of Selectmen; Mr. LaVoie seconded the motion

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

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

**UNANIMOUS vote**

**d. Other**

Chairman Andrews asked members to brush up on the conflict-of-interest laws and read:

From 673:14, I Disqualification of Member.

*No member of a ..., planning board, ... shall participate in deciding or shall sit upon the hearing of any question which the board is to decide in a judicial capacity if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law.*

And from RSA 500-A:12 Examination.

*I. Any juror may be required by the court, on motion of a party in the case to be tried, to answer upon oath if he:*

- (a) Expects to gain or lose upon the disposition of the case;*
  - (b) Is related to either party;*
  - (c) Has advised or assisted either party;*
  - (d) Has directly or indirectly given his opinion or has formed an opinion;*
  - (e) Is employed by or employs any party in the case;*
  - (f) Is prejudiced to any degree regarding the case; or*
  - (g) Employs any of the counsel appearing in the case in any action then pending in the court.*
- II. If it appears that any juror is not indifferent, he shall be set aside on that trial.*

He further quoted from the RSA 31:104 about how individual members could be personally liable should they not recuse themselves (where a conflict-of-interest may occur) and the results were challenged.

Mr. Zalenski asked about the pledge of allegiance. Chairman Andrews stated he would add it to the future agendas.

**5. Adjourn.**

Chairman. Andrews adjourned the meeting at 9:06PM

Respectfully Submitted,

James L. Doggett, AA  
Newton Planning Board

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