



## Newton Planning Board Public Meeting Minutes February 22, 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, Alternate Mr. Marchand, also James Doggett – PB AA and Ms. Rowden - Circuit Rider

Via Zoom was Member Ms. White

Chairman Andrews led the salute to the Flag.

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

### 1. Public Hearing

Chairman Andrews called the Public Hearing to order at: 7:03PM and read:

***Saivash & Diane Mahalati requests a public hearing for a Home-Based Business (Landscaping) at 8 Nordic Wood Lane, Newton NH. The property is referenced as Tax Map 9, Block 3, Lot 15-9.***

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

Ms. Rowden offered her opinion that the application was complete, though she asked how close the trailer parking area would be to the property line.

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

Ms. Collyer **MOVED** to accept the application as being complete and take jurisdiction.  
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   vote **UNANIMOUS**

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Chairman Andrews invited the Mr. Mahalati to present the application.

Mr. Mahalati made his presentation for a home-based business at his home on Nordic Wood Lane. He stated the business was an ongoing concern in Massachusetts and they wished to bring it with them as they moved to New Hampshire. He stated that the business had no employees, and no clients would be coming to his house. He further stated that the business owned 2 trailers, a bobcat, a small Kubota tractor and a Ford F350.

Ms. Rowden asked about the parking area for the trailers and the proximity to the property line.

Mr. Mahalati stated that where he initially planed to park them was at least 25feet from the lot-line but he would move the parking area if the Board required him to do so.

Ms. White asked about storage of materials.

Mr. Mahalati stated that no materials would be stored on site, that they are ordered as needed and delivered to the worksites.

The Board discussed vehicles and trailers, Ms. Rowden reminded the Board that trailers are not vehicles.

Chairman Andrews invited the Public to give input or ask questions stating: *"Please announce your name and address so the Administrative Assistant can note it for the minutes."*

Mr. David Pugh, 7 Nordic Wood Lane, stated he was against the proposal. He stated that it was disallowed by the covenants on the land and that the Mahalati's had gone about it the wrong way. He stated it was vastly different from when he brought his Xfinity truck home and parked it in his driveway or when another neighbor came home with his HVAC van.

Ms. Rowden informed the Board that covenants on the land are outside the Planning Board's jurisdiction.

Ms. Jessica Carey, 9 Nordic Wood Lane stated she was against the application.

Mr. Andrews stated that covenants do not require the Planning Board to deny the application.

Ms. Rowden stated that the Planning Board only has enforcement power for Zoning and regulations, and that a homeowner's association would be the body to enforce covenants.

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Mr. Moran opined that the Planning Board can neither approve or reject an application based on the covenants, that deed restrictions are a civil matter.

Mr. Pugh asked what the reason was for having a Planning Board.

Mr. Andrews gave the abilities of the planning Board.

Ms. White reminded people that town ordinances needed to be met.

Mr. Mahalati stated that the nature of his business would not change things in the neighborhood, that he has a 2-acre lot and will park his trailers behind his house if it would help.

Mr. Moran commented that the bobcat and truck are not heavy industrial vehicles.

Mr. Mahalati stated that another neighbor has a bobcat and there are other business vehicles parked in driveways on his street.

Ms. Carey stated that she has 3 children under 3 and she fears for their safety. She added that her husband owns a machining business.

Mr. Andrews brought up that possibility of a continuance and a sight-walk. The Board discussed the possibilities.

Ms. White asked if the applicant had signed the covenants.

Mr. Mahalati stated that they had.

Ms. Elizabeth Clark, 6 Nordic Wood Lane, stated that the proposed parking area for the trailers would be beside her front porch.

Mr. Moran asked if it would be possible for the business to park their trailers and truck off-site.

Mr. Andrews commented on the potential new application form for businesses without retail space or on-site clients.

Mr. Kevin Clark, 6 Nordic Wood Lane, stated he appreciates small businesses; however, children walk on the road and he would hate to see the application approved.

Chairman Andrews closed the public comment period.

Chairman Andrews asked for Board comments or questions.

Ms. White asked about the Fire Chief's comment.

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Mr. Andrews opined that there was a failure to communicate and that the Fire Chief did not understand NH laws.

Ms. Collyer agreed with the Chair.

The Board discussed and agreed to have a site-walk on Wednesday, February 23 at 9:00AM

Ms. Collyer **MOVED** to continue the public hearing to March 22<sup>nd</sup>, 2022.  
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 vote **UNANIMOUS**

Chairman Andrews closed the public hearing at 7:44PM.

Chairman Andrews called the Public Hearing to order at: 7:45PM and read:

***John Silvia and Ashley Guerrieo requests a public hearing for a Accessory Dwelling Unit at 41 Highland Ave., Newton NH. The property is referenced as Tax Map 5, Block 4, Lot 20.***

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

Ms. Rowden offered her opinion that the application was complete and met Zoning requirements.

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

Ms. Collyer **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 vote **UNANIMOUS**

Mr. Andrews asked Mr. Silvia to present his application.

Mr. John Silvia presented his application for conversion of the first floor of his barn into a studio apartment for his in-laws. It would be 750 square feet of finished space, open

concept accessible by breezeway between the barn and the house, with ground-level doors into the house and outdoors for egress.

The Board discussed the particulars with the applicant.

Mr. Andrews asked if the applicant had met with the Building Inspector and the Fire Chief. He opined that the Fire Chief can neither approve or disapprove of an application before the Planning Board.

The Board discussed possible conditions for their approval with Ms. Rowden's input.

Chairman Andrews asked for a motion on the application.

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

Conditions Precedent:

- 1. Obtain all local and state permits including an occupancy permit.*
- 2. Limit of the accessory apartment is 800 sq. feet.*
- 3. Meet all Life Safety Codes.*
- 4. A copy of the approved septic plan be on file.*
- 5. Utilities must be share by the main house and the Accessory Apartment*

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 |                 | <b>UNANIMOUS</b> vote |

Chairman Andrews closed the public hearing at 7:57PM.

## **2. Board Business**

### **A. Acceptance of minutes of the 2/8/22 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 |
|-------------------|------------------|-----------------|-------------------|

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**UNANIMOUS** vote

Ms. White **MOVED** to pay the manifest dated 2/22/2022 in the amount of \$3502.59  
Mr. Marchand seconded the motion.

Mr. Andrews - Aye   Mr. LaVoie – Aye   Mr. Moran - Aye   Ms. White – Aye  
Mr. Marchand – Aye   **UNANIMOUS** vote

The Board discussed the application form as presented and made suggestions for streamlining the process. They asked for a little more research on how surrounding towns handle this type of situation. They asked that it be on the next agenda.

### 3. Adjourn.

Respectfully Submitted,

James L. Doggett, AA  
Newton Planning Board