

NEWTON PLANNING BOARD PUBLIC MEETING MINUTES
August 25th, 2020

The Newton Planning Board public meeting was called to order at: 7:04PM

Chairman Hamel 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 2020-16 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 2020-16 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 alone	Mr. Andrews – Present and alone
Ms. Collyer – Present and not alone	Mr. Foote – Present and alone
Mr. Crnolic was absent	

Also Present:

Ms. Allen - Alternate – Present and alone Ms. White - Alternate – Present and not alone
Mr. Sforza - Alternate – Present and not alone Mr. Zalenski – Alternate – Present and alone

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

Chairman Hamel appointed Mr. Sforza as a voting member in place of Mr. Crnolic

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:

A continuation of 125 Development NH Corp of Plaistow, NH’s request for 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.

When speaking during the meeting, please announce your name so the Administrative Assistant can know who is speaking as he takes the minutes.

Vice-Chairman Estabrook asked Ms. Rowden for her input on Completeness of the application

Ms. Rowden offered her opinion that with the waiver requests submitted the application was complete enough to take jurisdiction. She further stated that if the Board takes jurisdiction the Board would be able to have a site walk of the property.

Ms. Estabrook ask if a member wanted to make a motion on completeness and to take jurisdiction.

Ms. Collyer **MOVED** to take jurisdiction of the application. Mr. Foote seconded the motion.

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

Ms. Estabrook -Yes Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Unanimous vote**

Ms. Rowden read the following from the Subdivision Regulations:

SECTION X – WAIVERS (Amended August 2008)

10.1 GENERAL

D. The Board may grant a waiver from any portion of these regulations when, in the opinion of a majority of the members of the Board present and voting, find that:

- a) Strict conformity would pose an unnecessary hardship to the applicant; and
- b) The grant of the waiver would not be contrary to the spirit and intent of the ordinance.

She reminded the Board that when considering a waive to take these two criteria into account when voting on each waiver.

She further commented that the Regulations stated that:

A. The granting of the waiver will not be detrimental to the public safety, health or welfare or injurious to other property and will promote the public interest.

B. The waiver will not, in any manner, vary the provisions of the Newton Zoning Ordinance, Newton Master Plan, or Official Maps.

C. Such waiver(s) will substantially secure the objectives, standards and requirements of these regulations.

Factors to be considered in whether strict conformity with the regulations would pose an unnecessary hardship may include:

- 1. Topography.
- 2. Site features.

3. Geographic location of the property.
4. The Board's familiarity with the property, and whether the additional information or will or will not significantly assist the Board in its review.
5. Size/magnitude of the project being considered.
6. The unreasonable expense of complying with the requirement.
7. The Board's practice of granting such a waiver to similarly situated applicants does not constitute precedence for future similar waivers.

Ms. Estabrook added that:

The purpose of granting waivers under provisions of these regulations shall be to insure that an applicant is not unduly burdened as opposed to merely inconvenienced by said regulations. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that all of them apply.

She further noted the typographical errors in the requests and asked if they can be corrected.

Ms. Rowden informed her the errors are not an issue and could be corrected in the motions.

Ms. Estabrook read the following waiver request from the applicant:

Waiver #1 Subdivision Regulation 8.1.3 5.C – Survey Requirements –

“We are asking for a waiver from this section for the remainder parcel 27-3 which will consist of 164.66 acres and has no development proposed with this subdivision. This parcel will be subdivided at a later time and this information will be provided at that point. The perimeter property lines are shown for all existing and proposed parcels. Sheet 5 has been added showing the existing conditions of the area of the parcel as it approaches Route 108.”

Ms. Estabrook stated that she does not support the waiver as she feels it should be part of the plan.

Ms. Collyer asked about an earlier subdivision (prior to her joining the Board) of 40-plus acres and wanted to know if the entire lot on that application had been supplied.

Ms. Rowden answered that yes it had been supplied as required by the Subdivision Regulations but that the Board had waived some of the wetland delineations.

Mr. Andrews inquired, of the applicant, what is the hardship in meeting this requirement.

Mr. Gregsak replied that there had not been enough time to finish the survey before the application was submitted.

Ms. Rowden asked if the applicant has had the full boundary surveyed.

Mr. Gregsak replied that the boundary was complete on the 1" to 300' plan on sheet 2 of the plan set.

Ms. Rowden commented that this was not to the scale that Newton requires.

Mr. Gregsak replied that that was correct and is covered under another waiver.

Ms. White offered that she felt that this waiver could be approved as they would be bringing in more information on their next application

Ms. Rowden outlined the deficiencies in the plan that require this waiver. She further opined that since the applicant has stated that they now have this information that they could withdraw the waiver request and show the new information on the final plans.

Mr. Gregsak offered to withdraw the waiver request.

Ms. Rowden stressed that this information needs to be included on the final plan set.

Mr. Sforza **MOVED** to GRANT the waver of Subdivision Regulation 8.1.5.C – Survey Requirements with the condition that the information be on the final plan set. Mr. Foote seconded the motion.

Mr. Andrews commented that the waivers seemed to be more inconveniences than hardships for the applicant and that they will all be included in the next application.

Ms. Estabrook re-read the regulation and agrees that there is no hardship and it needs to be included.

Mr. Gregsak commented that including all the new information on these plans would expand the plan set from 5 pages to 18 pages with information that will be part of the next application. This was an attempt to minimize the amount of paper and information that would need to be discussed.

Ms. Estabrook further explained her position.

Ms. Collyer asked the applicant if he had all the required information and that the hardship would be that he would have to create a lot of pages.

Mr. Gregsak replied that the hardship was that when they prepared and submitted the plan set, they did not have all the information needed.

Ms. Collyer asked of Ms. Rowden about Ms. Rowden's comments on the surveyor's stamp.

Ms. Rowden explained that those comments pertained to the newly found information concerning the frontage on Route 108.

Ms. Collyer commented that this plan requires approval by the Town of Plaistow before it can be recorded.

Ms. Estabrook opened the floor to the public.

Mr. Ravencraft asked for a clarification all the waiver being requested.

Ms. Estabrook gave him the information.

Mr. Ravencraft feels that with a project of this magnitude that all information needs to be covered.

Mr. Alberti feels that all the information must be available and that such waivers should not be approved.

Mr. Andrews commented on hardship and that he could accept this waiver because the information would be on the final plan set.

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

Ms. Estabrook - No Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Vote Passed 6- yes / 1-no**

Ms. Estabrook read the following waiver request from the applicant:

Waiver #2 Subdivision Regulation 8.1.3 5.D – Topographic Contours –

"We are asking for a waiver from this section for the remainder parcel 27-3 which will consist of 164.66 acres and has no development proposed with this subdivision. This parcel will be subdivided at a later time and this information will be provided at that time. Sheet 5 has been added showing the existing conditions and contours of the area of the parcel as it approaches Route 108."

Ms. Collyer **MOVED** to GRANT the waver of Subdivision Regulation 8.1.5.D – Topographic Contours with the stipulation they be included on the final plan set. Mr. Foote seconded the motion.

Ms. Collyer commented that the same comments that applied to the first waiver applied to this one.

Ms. Rowden commented that there are a lot of disturbances that can be seen on the supplied aerial photograph and that they would have to provide the topographical information with any future application.

Mr. Gregsak stated that this information will be shown on the application for the future subdivision.

Ms. Estabrook opened the floor for public comment.

Mr. Alberti feels that the impact of this subdivision is so impactful that all possible information needs to be made available and not waived.

Ms. Jeffries asked how a waiver would work if the Board was requiring it to be on the final plan.

Ms. Rowden answered that the information was not available when the application was first submitted, it is now available and will now be on the final plan set.

Mr. Ravencraft stated that is the information exists why not have it available. He asked that the Board not approve the waiver.

Ms. Estabrook reminded the Board that:

10.1 GENERAL

D. The Board may grant a waiver from any portion of these regulations when, in the opinion of a majority of the members of the Board present and voting, find that:

- a) Strict conformity would pose an unnecessary hardship to the applicant; and
- b) The grant of the waiver would not be contrary to the spirit and intent of the ordinance.

Factors to be considered in whether strict conformity with the regulations would pose an unnecessary hardship may include:

1. Topography.
2. Site features.
3. Geographic location of the property.
4. The Board's familiarity with the property, and whether the additional information or will or will not significantly assist the Board in its review.
5. Size/magnitude of the project being considered.
6. The unreasonable expense of complying with the requirement.
7. The Board's practice of granting such a waiver to similarly situated applicants does not constitute precedence for future similar waivers.

Attorney LaPorte feels that the burden is on the applicant to justify the hardship. He feels that the applicant has not answered any of the stated criteria for requesting a waiver and asked that the Board reconsider their approval of the first waiver.

Ms. Collyer is frustrated that though the information is available the applicant has not brought it forward and she would like to change her vote on the first waiver. She feels that the Town has approved of the application however the applicant needs to be very thorough with every single aspect of the plans.

Mr. Andrews feels that as this is covering interior details they need to be shown.

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

Ms. Estabrook - No Mr. Andrews – No Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer - No Ms. White - No **Vote Failed 3 - yes / 4 – no**

Ms. Estabrook read the following waiver request from the applicant:

Waiver #3 Subdivision Regulation 8.1.3 5.H – Manmade Features –

“We are asking for a waiver from this section for the remainder parcel 27-3 which will consist of 164.66 acres and has no development proposed with this subdivision. This parcel will be subdivided at a later time and this information will be provided at that time. Sheet 5 has been added showing the existing conditions and manmade features of the area of the parcel as it approaches Route 108.”

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.

Ms. Rowden mentioned that the Board could have an additional meeting due to the distance to the next meeting.

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

Ms. Estabrook -Yes Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Unanimous vote**

Ms. Estabrook re-read the waiver request.

Mr. Gregsak stated that since the topographical contours need to be shown on the plan, what distance does the Board want to see.

Ms. Rowden stated they are required to be every 2 feet.

Mr. Gregsak asked to withdraw the waiver request.

Ms. Rowden suggested that the plan set does not show the man-made features and it would need a waiver or the caveat as on the previous motions “to show the item on the final plan set”.

Ms. Collyer **MOVED** to accept the withdrawal of the waver. There was no second.

Ms. Collyer **MOVED** to deny the waiver of Subdivision Regulation 8.1.5.H – Manmade Features. Mr. Andrews seconded the motion.

Mr. Ravencraft stated that any man-made features need to be shown, such as the gravel road any other disturbances to the land.

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

Ms. Estabrook -Yes Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Unanimous vote**

Ms. Estabrook read the following waiver request from the applicant:

Waiver #4 Subdivision Regulation 8.1.3 5.I – Utilities – The size and location of all existing public and private utilities, including off-site utilities to which connection is planned, and any underground storage tanks, abandoned or in use.

“We are asking for a waiver from this section for the remainder parcel 27-3 which will consist of 164.66 acres and has no development proposed with this subdivision. This parcel will be subdivided at a later time and this information will be provided at that time.”

Ms. Collyer **MOVED** to grant the waiver of Subdivision Regulation 8.1.5.I – Utilities
Ms. White seconded the motion.

Ms. Rowden explained the requirements of the regulation

Mr. Andrews asked if there were any underground storage tanks or such on the property.

Mr. Gregsak stated there were none.

Ms. Estabrook opened the floor for public comment.

Mr. Andrews stated is there is nothing present why ask for a waiver.

Mr. Ravenscraft asked to clarify that there are no utilities going into the subdivision.

Mr. Gregsak stated this waiver was only for the remaining portion of 14-1-(27-3).

Ms. Rowden asked if there are no underground easements on any of the smaller proposed lots.

Mr. Gregsak stated that the have shown them on the smaller proposed lot but there was nothing to show on the larger proposed lot.

Attorney LaPorte asked if the applicant did not know if there were any underground tanks then they had not met their burden.

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

Ms. Estabrook - No Mr. Andrews – No Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Vote Passed 5-yes / 2-no**

Ms. Estabrook read the following waiver request from the applicant:

Waiver #5 Subdivision Regulation 8.1.6.A – Plan Scale – All drawings, unless otherwise agreed to by the Board, shall be at a scale of one hundred feet to the inch or less.

“We are asking for a waiver from this section for the remainder parcel 27-3 which will consist of 164.66 acres and has no development proposed with this subdivision. The remainder parcel presently fits on one sheet at 1” = 300’ scale as opposed to four sheets at 1” = 100’ scale. This parcel will be subdivided at a later time and the scale of the drawings will meet Newton Subdivision Requirements.”

Ms. Collyer **MOVED** to deny the waiver of Subdivision Regulation 8.1.6.A – Plan Scale.
Mr. Andrews seconded the motion.

Mr. Andrews could not find any hardship that would satisfy asking for this waiver.

Mr. Gregsak agreed with the Board’s denial of the request.

Ms. Estabrook opened the floor for public comment:

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

Ms. Estabrook -Yes Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Unanimous vote**

Ms. Estabrook read the following waiver request from the applicant:

Waiver #6 Subdivision Regulation 8.1.5.K – A High Intensity Soil Survey (HISS)

“Soils information from Soil Conservation Service published data or, where High Intensity

Soil Maps are used, a conversion to a soil series map done by a Certified Soil Scientist. The applicant is requesting relief from this section. The proposal is for the subdivision of 4 lots. Two lots have existing buildings on them, and the remainder parcel will have 164.66 acres. The remainder parcel will be subdivided at a later time and this information will be provided then”

Mr. Andrews asked of Ms. Rowden: Is there a mid-range between very little and the HISS mapping?

Ms. Rowden explained the concept of HISS mapping and stated that this waiver would be reasonable.

Ms. Estabrook commented on lot sizes.

Ms. Estabrook opened the floor for public comment:

Ms. Gonyer asked a question about the regulations and if a waiver was necessary as the Board can decide what portion needs to be included in any HISS mapping.

Ms. Rowden answered her question.

Ms. Gonyer followed up with a query about this being a permanent waiver.

Ms. Rowden replied that this waiver was for this plan and a HISS map would have to be supplied for any future subdivision of the remainder of lot 14-1-(27-3).

Ms. Collyer **MOVED** to grant the waiver of Subdivision Regulation 8.1.5.K – A High Intensity Soil Survey (HISS) for the larger remaining lot 14-1-(27-3). Mr. Sforza seconded the motion.

Ms. Estabrook opened the floor for public comment:

Attorney LaPorte gave his understanding of HISS mapping and any concerns the Board should know about the necessary drainage and the effects on the aquifer under the site.

Ms. Rowden commented that the two existing building did comply with the Stormwater regulations at the time they were build and any new buildings would have to comply with the newest stormwater regulations.

Mr. Andrews asked about existing buildings complying with the newest stormwater regulations.

Ms. Rowden commented that they do not meet the current regulations.

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

Ms. Estabrook -Yes Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Unanimous vote**

Ms. Estabrook read the following waiver request from the applicant:

Waiver #7 Subdivision Regulation 8.1.6.C – Test Pits –

“We are asking for a waiver from this section for the two lots with existing buildings with existing septic systems and for the remainder parcel 27-3 which will consist of 164.66 acres and has no development proposed with this subdivision. Parcel 27-3 will be subdivided at a later time and this information will be provided at that time.”

Mr. Andrews is ok with this waiver for the larger lot but wants to see their locations on the smaller lots.

Mr. Gregsak stated his justifications.

Ms. Estabrook opened the floor for public comment:

Attorney LaPorte asked about test-pits and water-tables and how they determine buildability of a lot.

Mr. Gregsak answered his questions.

Ms. White commented that she felt that they were not needed at this time.

Mr. Andrews concurred with Ms. White.

Ms. White **MOVED** to grant the waiver of Subdivision Regulation 8.1.6.C – Test Pits for the larger remaining lot 14-1-(27-3). Ms. Collyer seconded the motion.

Ms. Estabrook believes there is no hardship involved in digging 2 test-pits.

Ms. Collyer stated that until there was a building proposal the test-pits would not have to be done.

Mr. Andrews commented that he did not feel it was worth the time and effort to do them on the larger remaining lot.

Ms. White commented that they had been done on proposed lot 14-1-(27-7)

Ms. Goyner asked if the waiver is granted can a building permit be sought for the larger remaining lot without test-pits ever being done.

Mr. Ravenscraft believes one could be.

Mr. Andrews commented that a building permit would require septic and septic permits require test-pits and perk tests.

Attorney LaPorte spoke about the Board reconsidering Waiver #1.

Ms. Rowden concurred with Attorney LaPorte.

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

Ms. Estabrook -Yes Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Unanimous vote**

Mr. Gregsak rescinded the waiver requests that were originally submitted with the application.

Ms. Rowden suggested the Board do a site-walk and reminded the Board that thought the 65-day clock has been suspended, by the Governor's emergency order, the Board should try to keep the process going in a timely manner.

Ms. Collyer **MOVED** to continue the public hearing to September 22nd, 2020. Ms. White seconded the motion.

Ms. Estabrook -Yes Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Unanimous vote**

Ms. Estabrook **MOVED** to have a site walk for this application on September 13th, 2020 at 10:00AM with a rain date of September 19th, 2020 at 10:00PM. Mr. White seconded the motion.

A discussion of dates was held.

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

Ms. Estabrook -Yes Mr. Andrews - Yes Mr. Sforza -Yes Mr. Foote -Yes
Mr. White -Yes Ms. Collyer -Yes Ms. White -Yes **Unanimous vote**

2. Vice-Chairman Estabrook called the Public Hearing to order at: 9:10PM and read:

A continuation of 125 Development NH Corp of Plaistow, NH's requests for 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. Rowden stated that this being a Design Review no vote would be taken. She reminded the Board of the of the Rockingham Planning Commission's (RPC) intent to hold the Regional Impact hearing as soon as Board the receives a formal application. She stated that the Planning Board may want to vote a new determination of regional impact on the final application before the RPC will schedule a public hearing. Further she offered to review, with the Board, the staff letter from the RPC if the Board wished.

Ms. Collyer inquired about the decision on the minor collector road versus a local road, would the State be involved and if so and how so.

Ms. Rowden replied that the State DoT would be involved but the local Planning Board would determine which classification the road would be.

Ms. Estabrook declared that the Board could not determine which classification it would fit until they Board had the formal application.

Mr. Andrews stated that while 50-feet width is enough for a lot of designs it may not be wide enough for the necessary roadway with the proposed intensity of development.

Attorney LaPorte speaking on behalf of abutters commented that the proposal will require extraordinary waivers and variances, something his clients oppose.

Mr. Andrews commented that the present design is too intense. He suggested the application should have a very minimal need for variances or waivers.

Mr. Ravenscraft stated that the narrow roadway access will severely impact his property, more intensely than it presently does. He is concerned with the amount of traffic entering and leaving the property.

Ms. Estabrook feels that with the applicant needs to take into account the safety factors when designing the plan.

Mr. Beck asked about the certification of the 50-foot width the applicant is claiming for his roadway width.

Mr. Gregsak stated that a new survey would be available soon. He stated that it is based on a prior site plan of the Newton Properties, LLC property.

Mr. Ravencraft spoke about the Newton Properties, LLC property currently being surveyed.

Mr. Alberti asked if the site-walk was open to the public.

Ms. Estabrook informed him it would be.

Ms. Estabrook closed the public hearing at 9:33PM

Chairman Hamel returned to the Board.

Mr. Hamel asked the Board if they wanted to continue the meeting or Bring it to a close.

Mr. Foote wanted to do two of the remaining three public hearings.

Ms. Rowden suggested that it was possible to complete the agenda in a reasonable amount of time.

Mr. Hamel asked for a motion to continue the meeting.

Ms. Collyer **MOVED** to continue the meeting for another half-hour and to decide then about further continuation. Ms. Estabrook seconded.

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	Mr. Sforza – yes	Unanimous vote

Ms. Estabrook recused herself for the following public hearing.

3. Chairman Hamel appointed Ms. White as a voting member in place of Ms. Estabrook. He then called the Public Hearing to order at: 9:37PM and read:

A continuation of John Kelleher of Newton, NH's requests a public hearing on a Minor Site Plan (Village District) at 1 S. Main St., Newton, NH. The property is referenced as Tax Map 11, Block 6, Lot 7.

Mr. Hamel recognized Mr. Kelleher for comments.

Mr. Kelleher stated he felt he had supplied the Board with the information they requested, and he expected to have his plan approved at the meeting.

Ms. Rowden stated that a new driveway permit would be needed due to the change of use and she questioned whether the NH-DoT would approve the proposed parking with cars backing out onto Route 108.

Mr. Foote suggested that customers could park on the lawn not on the State road.

Mr. Kelleher went into more details and answered questions of his plan.

Ms. Estabrook commented that this was the first Village District conversion and quoted:

SECTION XXIII VILLAGE DISTRICT ZONE AREA REGULATIONS

1. RESTRICTIONS AND SPECIAL PROVISIONS

m. Within fifty feet (50') of a right-of-way, all parking shall be located to the side and/or rear of all existing or proposed buildings.

Mr. Hamel commented that the proposed parking is not the same as the previously proposed parking.

Mr. Andrews commented that there is a difference between existing and what is new. He believes these changes the property from residential to commercial.

Ms. Collyer feels the Board needs to stipulate that the parking should be at the side of the house.

Ms. Rowden recommended that the applicant show parking on a new sheet with written approval from the state.

Mr. Andrews spoke against the application.

Ms. Rowden reminded the applicant that conditional approval does not allow for restarting his business before the conditions had been met.

Mr. Foote suggested that if the Board did not approve the plan that Mr. Kelleher could just have regular cook-outs at his house for a fee.

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

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

Mr. Hamel - yes	Ms. White - yes	Ms. Collyer – yes	Mr. Foote -Yes
Mr. White - yes	Mr. Andrews - yes	Mr. Sforza – yes	Unanimous vote

Mr. Hamel expressed concerns about the safety of the parking design.

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

Parking will be at the side of the house,
The parking will be shown on a new drawing
Receive new NH-DoT approval for the driveway.

Mr. Foote seconded.

Mr. Hamel expressed concern of approving the application without a final plan on the parking design."

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

Mr. Hamel - no	Ms. White - no	Ms. Collyer – yes	Mr. Foote -Yes
Mr. White - yes	Mr. Andrews - no	Mr. Sforza – yes	Vote Passed 4-yes / 3-no

Mr. Hamel closed the public hearing.

Mr. Sforza left the meeting.

Ms. Estabrook returned to the Board.

Mr. Hamel appointed Ms. White as a voting member in place of Mr. Sforza.

Mr. Foote wanted to end the meeting after the next public hearing. The consensus of the Board was to complete the agenda.

4. Chairman Hamel called the Public Hearing to order at: 10:10PM and read:

The Town of Newton request a Public Hearing for a Lot-Line Adjustment between 35 South Main St., Newton, NH. The properties are referenced as Tax Map 12, Block 1, Lots 11 & 13.

Mr. Hamel invited Mr. Zilch to present his application

Mr. Zilch made his presentation of the lot line adjustment which would trade some land from the Town owned peanut trail property to the old fire station. With this adjustment the fire station would sit completely on its own lot of land (currently it straddles the property line).

Mr. Andrews asked about the easements on the pair of properties and how they could impact the land in the future. He also had questions about the wells that have the easements.

Mr. Zilch answered his questions.

Ms. Estabrook asked if the easements would remain in place,

Mr. Zilch answered that they would.

Ms. Stevens asked about the abutter notices.

Mr. Hamel answered her question.

Ms. Collyer **MOVED** to take jurisdiction of the application. Mr. Foote seconded the motion.

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

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

Ms. White **MOVED** to approve the application with the standard conditions. Mr. Foote seconded.

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

Mr. Hamel closed the public hearing.

5. Chairman Hamel called the Public Hearing to order at: 10:28PM and read:

Junction Trucking, Inc request a Minor Non-Residential Site Plan – Change of Use at 185 S. Main St., Newton, NH. The property is referenced as Tax Map 14, Block 1, Lot 24.

Mr. Pollman presented his application and business. The business transports Recreational Vehicles (RV's) for clients to campsites and dealerships. They have no large (18 wheeled) vehicles and never plan to do so. He explained that they would be using 360 square feet of the building with two parking spaces behind.

Mr. Foote has issues with the entire building and life safety codes, occupancy permits, propane tanks, and a blocked fire lane.

Ms. Rowden offered that the business fits into the zone of the building and that the Board needed to decide if the application meets the minor site plan requirements for change of use. She suggested that the Notice of decision state that no tractor trailers be allowed on the site associated with Junction Trucking.

Ms. Estabrook asked if it was the intention to move his business to Newton and register his vehicles in Newton.

Mr. Pollman stated that was their intention. They are already a registered business in NH.

Ms. White asked about hours of operation.

Mr. Pollman stated their hours of operation would be:

Monday to Friday –	8AM to 4PM
Saturday	- 8AM to Noon
Sunday	Closed

Ms. Collyer asked about what issues there were with other occupants of the building and how it would affect this application.

Mr. Foote explained his issues and said that if the Planning Board approved the application the issues would be taken to the NH Fire Marshall's office the next day.

Mr. Hamel stated that he felt that any violation does not affect the application.

Ms. Rowden recommended that an Occupancy Permit be a Condition of Approval.

Mr. Ravenscraft stated that all his tenants have Occupancy Permits.

Ms. Rowden explained the process.

Mr. Andrews suggested that approval of the application would be the speediest way to solve the issues and to move forward with the Planning Board process.

Mr. Andrews **MOVED** to declare the application a Minor Site Plan. Ms. Estabrook seconded.

Mr. White explained his opposition to the volume of propane being stored on the site.

Mr. Ravenscraft stated that the propane tanks are certified and in compliance.

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

Mr. Hamel - Yes Ms. White - Yes Ms. Collyer – Yes Ms. Estabrook – Yes
Mr. White - No Mr. Andrews - Yes Mr. Foote -No **Vote Passed 5-yes / 2-no**

Ms. Collyer **MOVED** to take jurisdiction of the application. Ms. Estabrook seconded the motion.

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

Mr. Hamel - Yes Ms. White - Yes Ms. Collyer – Yes Ms. Estabrook– Yes
Mr. White - No Mr. Andrews - Yes Mr. Foote -No **Vote Passed 5-yes / 2-no**

Mr. Hamel asked if the fenced in area was pre-existing and if the propane tanks were inside the fenced area.

Mr. Foote commented that there are no issues with the propane tanks, that they are certified annually however he feels that with a gated fence the fire department could be unable to access the tank if it leaked.

There was a discussion of Occupancy

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

1. Obtain an Occupancy Permit
2. Hours of Operation shall be:
 - Monday to Friday – 8AM to 4PM
 - Saturday - 8AM to Noon
 - Sunday Closed

Ms. Collyer seconded.

Ms. White suggested that a key to the gate be given to the Fire Department.

Mr. Ravencraft asked about the Occupancy Permit process.

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

Mr. Hamel closed the public hearing.

Mr. Foote left the meeting

6. Board Business and Correspondence

a. NPREA Manifest

Ms. Collyer **MOVED** to approve the NPREA manifest in the amount of \$87.44, Mr. White seconded the motion.

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

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

b. Acceptance of minutes of the 8/11/20 meeting

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

Mr. Hamel suggested the following corrections:

On page 4 Paragraph 6 should state that the revised plan shows a distance of 50.07 feet
On page 10 change Ms. Estabrook asked the A.A. to call the roll to Mr. Hamel asked the A.A. to call the roll.

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

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

c. Correspondence - none

7. Adjourn

Chairman Hamel adjourned the meeting at 10:59PM

Respectfully Submitted,

James L. Doggett, AA
Newton Planning Board