

**NEWTON PLANNING BOARD
PUBLIC HEARING AND MEETING MINUTES
December, 10, 2019**

In attendance: Chair Barbara White, Vice-Chair Roger Hamel, members: James White, Sandra Estabrook; Alternates Robert Zalenski, Ex Officio Lawrence Foote, and Circuit Rider Planner Jennifer Rowden. Minutes were taken and transcribed by Administrative Assistant James Doggett.

Chairman White opened the meeting at 7:01PM

The meeting began with a salute to the flag.

Chairman White appointed Mr. Zalenski as a voting member in Mr. Holland's absence.

Chairman White announced for the information of any abutters in attendance that 125 Development Corp had asked for a continuance of the public hearing on their subdivision. That public hearing will occur on January 14, 2020.

Stephen and Laura Rossi of Newton, NH request a public hearing for a Conditional Use Permit – Accessory Apartment at 2 Priscilla Lane, Newton, NH. The property is referenced as Tax Map 8, Block 2, Lot 10.

The application was presented by Mr. Rossi, who stated this accessory apartment meant no change to the footprint of the existing building. They were converting existing "office" space over their garage into the apartment. The only major change was the addition of the kitchenette.

Ms. Rowden asked about parking as it is not shown on the plan. Mr. Rossi explained the driveway and parking to her satisfaction.

Ms. Estrabrook asked about the size of the space and how it would be divided. She was informed that no new partition wall needed to be built, that it was all the original divisions with the elimination of a flight of stairs.

Mr. Hamel inquired about the deck and how it configured in the total space of the unit. The deck is not part of the unit, just a means of egress with stairs to the ground level.

Mr. Hamel asked again about the square footage of the unit. A discussion of how the area is determined followed.

Mr. Foote asked about egresses. He was shown the 2 exits on the floorplan.

Ms. Rowden asked about the septic and reminded the applicant that they would need an approved plan on file in case the present system failed. Mr. Rossi stated that a septic plan was in place.

Ms. White asked for a motion to take jurisdiction. Ms. Estabrook moved to take jurisdiction at this time, seconded by Mr. White with a unanimous vote.

Ms. White opened the public hearing.

There was a discussion of possible conditions to the approval. Mr. Foote moved to grant conditional approval with the following conditions: Have a septic plan in place to replace the existing one in case of failure and to secure all town and state permits necessary. Ms. Estabrook seconded with a unanimous vote.

Ms. White closed the public hearing at 7:14

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Seth and Lauren Burbar of 93 Amesbury Road, Newton, NH request a Public Hearing for a Conditional Use Permit allowing a Home Occupation (Garage) at 93 Amesbury Road, Newton, NH, referenced as Tax Map 16, Block 4, Lot 18.

The application was presented by Mr. Bubar who commenced by saying the garage was not for general repairs but for State and Federal inspections and any repairs arising from the inspections.

Ms. Rowden asked how many trucks would be on the property for service at any given time. She was informed one to three. She then asked about the types of materials that would be stored and used. The reply was that they would use the standard types of materials found in a garage and that any oil would be stored in sealed drums.

Ms. Rowden then stated that as the property was wholly inside an Aquifer Recharge District that automotive repair is not allowed but that it could be approved with a conditional approval of the Planning Board, the condition being that a variance from the ZBA would be necessary.

Ms. White asked about the weight of the vehicles and if any are over 1200lbs in gross vehicle weight. The answer was between 1800 and 2600lbs GVW. Mr. Bubar was informed about the 1200lb GVW restrictions in Newton.

Ms. Estrabrook asked about the size of the building. She was informed that it is 30' X 64' or 1920 s.f.

Ms. White asked for a motion to take jurisdiction. Mr. Hamel moved to take jurisdiction at this time, seconded by Mr. White with a passing vote, with Ms. Estabrook voting nay.

Ms. Rowen commented that the proffered number of trucks exceed the Town's zoning and that any trucks stored overnight would need to need to be stored inside the garage.

Mr. Bubar stated all repairs would be done inside

There was a discussion of trucks, types of trucks, weights of trucks and how they are referenced in zoning.

Ms. Rowden went over the requirements that would need to be met and what could be done. A discussion of possible conditions was discussed.

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Mr. Hamel moved to deny the application for the following reasons:

Failure to comply with the following Zoning Ordinances:

SECTION XII HOME OCCUPATIONS AND HOME-BASED BUSINESSES

WHERE PERMITTED

- B) 2) There shall be no outdoor activity or use, including storage and parking of commercial vehicles or trailers exceeding 12,000 GVW, except for the provision of employee parking.
- 3) The home-based business shall not be such that it requires regular or frequent service by heavy commercial trucks since this would adversely impact the character of the neighborhood.
- C) General.
 - b) No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive, or other restricted materials that are improperly used or stored onsite.
 - c) Not more than two commercial vehicles may be kept overnight at the premises.
 - f) There shall be no outside operations, storage, or display of materials or goods.
 - i) The home occupation/home-based business shall not involve over-night parking of commercial vehicles or trailers exceeding 12,000 GVW.

SECTION XXVIII AQUIFER-WATERSHED PROTECTION ORDINANCE

4. USE REGULATIONS

c. Prohibited Uses

The following uses are prohibited within the Aquifer Protection Zone:

- 4. Automotive uses including: Cars washes, service and repair shops, junk and salvage yards.

Seconded by Ms. Estabrook with a unanimous vote.

Ms. Rowden informed Mr. Bubar that his next course action would need to be an appeal of the Planning Board decision through Superior Court.

Ms. White closed the public hearing at: 7:37

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

Ms. Estabrook move to continue the Public Hearing to January 14th, 2020, seconded by Mr. Zalenski with a unanimous vote.

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Other Planning Board Business:

- a. Acceptance of minutes -
Mr. Foote moved to approve the November 12th and 26th public minutes; second by Mr. Hamel.
Unanimous vote.
- b. NPREA Manifest –
Mr. Foote moved to approve the NEPRA manifest in the amount of \$272.62; second by Mr. Hamel,
unanimous vote.
- c. Meeting Calendar-
Mr. Hamel moved to adopt the 2020 calendar with one change: adding back the meeting on the second
Tuesday in November 2020, second by Mr. White, unanimous vote.
- d. Warrant Articles-
Mr. Hamel moved to bring the proposed warrant articles to a Public Hearing on December 30th, 2019,
seconded by Mr. Foote. Unanimous vote.
- e. Warrant Article – Petitioned.
Ms. White mentioned that there could be a petitioned warrant article submitted. The Board directed
the AA to post a meeting for December 12th, 2019 just in case.

Non-public Session:

Ms. White moved to go into Non-public under 91-A:3,IIa Personnel Matter at 8:07, seconded by
Mr. Foote. The roll call vote: Ms. White, aye; Mr. White, aye; Mr. Hamel, aye; Ms. Estabrook, aye; Mr.
Zalenski, aye; Mr. Foote aye

Roll call vote to come out of non-public: Ms. White, aye; Mr. White, aye; Mr. Hamel, aye; Ms.
Estabrook, aye; Mr. Zalenski, aye; Mr. Foote aye.

The Board came out of non-public at 8:25

Ms. White moved to adjourn at 8:26; seconded by Mr. Zalenski, unanimous vote.