



Newton Zoning Board of
Adjustment
2 Town Hall Road
Newton, NH 03858
(603) 382-4405 X315



NOTICE OF DECISION

On the application submitted by 125 Development NH Corp of Plaistow's requesting relief from Section XIV.1 (specifically to allow more than one dwelling unit on a lot) for their land off Puzzle Lane, Newton NH. The properties are referenced as Tax Map 14, Block 1, Lots 2 & 1-1. At the meeting on July 6th, 2022, though the Zoning Board of Adjustment concluded that none of the criteria were met the Zoning Board of Adjustment found in fact that, whereas no hardship exists; and recognizing the importance of the constitutional right to enjoy property; and in light of the NH Supreme Court conclusion in *Bartlett v. City of Manchester*, 164 N.H. 634, 635 (2013) that the mere filing of a variance application does not limit the Zoning Board of Adjustment's ability to determine whether the applicant's proposed use of property requires a variance; the Zoning Board of Adjustment recommends the applicant look into the possibility of subdivision of the land, or a cluster development, to be applied for to the Planning Board in who's purview these matters belong or seeking to rezone the land to Residential C and therefore the Zoning Board of Adjustment, by a **UNANIMOUS** vote, renders no decision on this matter.



John Kozec, Chair

Newton Zoning Board of Adjustment
July 7, 2022

cc:

125 Development NH Corp % Barry Gier, Jones, and Beach Engineering

Building Department

Fire Department

Police Department

Health Department

Conservation Commission

Board of Selectmen

Assessor's Office

ZBA Files

Planning Board