

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – Monday, January 27, 2014

Call to Order: Chair Denis Hebert called the January 23, 2014 meeting to order at 6:33 p.m.

Present: Bernie Christopher; Jack Pare; Justin Richardson; Alternate Member, Peggy Lamson; Board of Selectman Representative, Rick Stern; Jane Kendall, Recorder; and Thomas Morgan, Town Planner

Absent: Vice Chair, Mike Marconi

Public Guests: Nancy Cauvet; Cheryl and Paul Bagley; Chris Cross; Madeline Miller; Edna Mosher; Attorney Chris Mulligan; Attorney Bernie Pelech; Judy Percy; Dick Spinney; Doug LaRosa and Robert Stowell, Tritech Engineering; Lorna Watson;

1) Public Hearings:

- A) Proposal by **Nancy Cauvet, Jerome Clark, and Judy Percy** for a lot line adjustment at **2 & 12 Hodgdon Farm Lane**, Tax Map 51, Lots 17 & 18.

Board members Justin Richardson and alternate, Peggy Lamson said they both had served on the Conservation Commission with the applicant, Ms. Nancy Cauvet. Chairman Hebert said there was no need to recuse them unless there was some other conflict that would interfere with their objectivity.

Ms. Cauvet said she had gone before the ZBA for an easement in 2002-2003, and now she wanted to do a lot line adjustment. Chairman Hebert said he would like to see the easement on the drawing. Ms. Cauvet said she had the paperwork. Town Planner, Tom Morgan said she could ask Norway Plans to plot easement and give the Town a copy. Mr. Richardson suggested they do an approval with the stipulation that she could come back with a signed Mylar. Mr. Morgan said they would need to move that the plan was substantially complete first. Chairman Hebert said he was concerned because the plan was not substantially complete without the easement showing on the plan. He said the applicants could come back on February 24, 2014.

- B) **Preliminary Discussions:** Proposal by **Bruce C. Belanger** for a 3-lot subdivision at the corner of **Nimble Hill Rd and Fox Point Road**, Tax Map 17, Lot 11-2.

Attorney Chris Mulligan presented Mr. Belanger's subdivision plan. Mr. Richardson said it would be helpful if applicants would supply plans in digital PDF form before the meetings, and Mr. Morgan said that was what they were supposed to do. Ms.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – Monday, January 27, 2014

Lamson said there was too much information to digest on such short notice. Chairman Hebert said the Board did not have to make any decisions immediately and could take whatever time necessary to review the materials.

Mr. Stowell said they were proposing a driveway easement off Nimble Hill Road. He said they were aware of recent discussions on curb cuts and shared driveways. He said they would run the water and utility lines to the lots underground.

Chairman Hebert said there were a lot of wetlands on the lots and he wanted to be sure there the soils were adequate for septic systems. Mr. Stowell said they searched until they found test pits that perked. Ms. Lamson said they were close to abutters and wetlands and asked about having adequate backup area in case of septic failures. Mr. Stowell said they would probably only use 1,000 s.f. for the septic, but they identified 4,000 s.f. of suitable area for back up. Chairman Hebert asked if there would be one or two-family residences on the lots, and Mr. Stowell said they would probably only be a single-family residences. Chairman Hebert said he was also concerned that adding impervious surfaces would create additional runoff to Great Bay. Mr. Stowell said they hadn't done a full analysis, but they could do a berm or infiltration plan. Chairman Hebert said an analysis would be required.

Chairman Hebert said he was also concerned with the effects of the property line being close to the abutter's driveway. He added that the curb cut granted was for a single home and the trees were to be removed for a line of sight. Mr. Stowell said the line of sight was acceptable according to the DOT criteria and Chairman Hebert said it was not acceptable and removal of the trees to open up the line of sight was part of the curb cut approval. Mr. Richardson asked how it could be possible to have a 400' line of sight when there was a knoll. Ms. Lamson asked how far the driveway was from the abutting Wilson property and Mr. Stowell said 15' away. Ms. Lamson said it was an accident waiting to happen. Ms. Lamson said the abutters, Alan and Lillian Wilson were not able to attend but they sent in a letter.

Ms. Lorna Watson of Nimble Hill Road said she had been living behind this piece of property for the past 60 years. Ms. Watson said she called the owner, Ms. Dorothy Watson and Dorothy said a cousin from 200 years ago (Michael Mathes) had come into her life and he promised he would take care of her. Lorna said Mr. Mathes did a good job of making changes to her home that was built in the early 1700's, but she said Dorothy didn't want all her trees and bushes cut. Lorna claimed Mr. Mathes sold the land illegally without Dorothy's consent because he has her power of attorney. Chairman Hebert said he had heard rumors, but the question had been taken to court, and Dorothy and the judge made a decision and the Planning Board had no jurisdiction on a civil matter. Chairman Hebert said it would be up to her to go before a court if she had an issue with it. Lorna asked who would pay for it, and Chairman Hebert said she would need to seek some kind of financial and legal assistance. (**? Mathes**) said she had been taking care of Dorothy Watson 24/7.

Madeline Miller of Old Post Road said they built their home in 1987 and were direct abutters to the property. She said the property was originally surveyed as one lot, but then the lot was given to Mr. Michael Mathes from Boston and he cut many trees down. She said it was devastating to her and she said additional lots would make an even larger impact on the woods and wildlife. She said she didn't think the wetlands

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – Monday, January 27, 2014

could handle the septic requirements of three houses. She said Dorothy Watson had been very generous giving to land to her family, but she couldn't speak for herself now.

Mr. Richardson said it would be incumbent on the owner to show the deed of ownership. Mr. Morgan said it would be up to the Board to determine if the application was complete, but they didn't have a copy. Chairman Hebert said they wouldn't take a vote until they had the copy. Attorney Mulligan said they could bring up a copy of the deed on deeds.com and Mr. Richardson said he saw the copy of the deed. Attorney Mulligan said they had also prepared a copy of a driveway covenant for upkeep and maintenance that would benefit all three lots. Chairman Hebert asked if it was a new supplement to the application and Attorney Mulligan said it was.

Mr. Richardson and Chairman Hebert asked why they went straight into a public hearing instead of a preliminary hearing, and Mr. Morgan said the law says the applicant can choose whether to go into preliminary or public hearing within 30 days of their application.

Mr. Richardson said the definition of a street, avenue or boulevard was that it served three or more lots, whereas a driveway served two or less so this would actually be a private street. Mr. Richardson said a street would need to meet Town standards for mail delivery or emergency vehicle access. Mr. Stowell said the proposed common drive was 12' wide. Mr. Richardson said a driveway permit could not be issued unless access to the lots was a Class 5 road or better and they couldn't use an easement. Attorney Pelech said it was necessary to get a waiver from the statute through the ZBA when the Mazeau's did their shared drive. Chairman Hebert said they should also put their decision on hold until the shared driveway permit was resolved, and the rest of the requirements for the application were complete.

Justin Richardson moved that the Planning Board find the application by Bruce C. Belanger for a 3-lot subdivision at the corner of Nimble Hill Road and Fox Point Road, Tax Map 17, Lot 11-2 as not substantially complete because there was no copy of the deed and the road specifications were not included. Jack Pare seconded, and all were in favor.

Chairman Hebert continued the public hearing to March 10, 2014.

Chairman Hebert said he knew many hurtful things had been said, but it was important to remember that everyone used the same streets and Town facilities and asked that they treat one another respectfully.

C) Proposal by the **Estate of Paul J. Beane** for a 3-lot subdivision at **233 Nimble Hill Road**, Tax Map 17, Lot 4.

Attorney Bernie Pelech this application would be for a shared drive, built to Town specifications called "Nathaniel Lane" which would only serve two lots with a turn around. Mr. Richardson asked what the legal status of the street would be, and Attorney Pelech said it would be a Town Road going to a shared driveway. Mr. Richardson said a shared driveway was currently not allowed, and Chairman Hebert said that was correct.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – Monday, January 27, 2014

Chairman Hebert asked Attorney Pelech Mr. Stowell from Trittech Engineering had a signed letter from the owners showing they had the right to represent them. Mr. Morgan said they didn't have a letter, but Brian and Susan Newcomer's signatures were on the application.

Chairman Hebert asked why they were proposing a shared driveway if they had sufficient frontage. Attorney Pelech said the frontage would cross-wetlands buffers. Mr. Richardson asked if the deed was on file, and Attorney Pelech said they wouldn't submit the deed until the subdivision was granted. Chairman Hebert said they would need the deed before the building permit was issued. Mr. Richardson asked who would be responsible for the maintenance of the driveway until the plan like a homeowner's association agreement, and Mr. LaRosa from Trittech Engineering said the property owner or developer would be responsible for maintenance until the lots were sold. Chairman Hebert said there is usually an interim plan until the Town accepts the plan. Mr. Morgan said they hadn't seen the shared driveway covenant yet, and Attorney Pelech said he would bring it in.

Ms. Lamson asked if wetlands scientists would review the lot and any issues that might occur for abutters if there were any septic backups, and Mr. Morgan said it was a requirement. Mr. Stowell said the septic systems required 1,000 s.f. and they were outlining 4,000 s.f. to allow four options. Paul Bagley of Hannah Lane asked if there was any way water would drain onto his property. Chairman Hebert said the Town's engineering consultant would review the plan. Cheryl Bagley of Hannah Lane asked if the lot lines were marked and could be seen. Mr. Stowell said existing granite monuments and fence posts were there.

Jack Pare moved that the Planning Board find the application by the Estate of Paul J. Beane for a 3-lot subdivision at 233 Nimble Hill Road, Tax Map 16, Lot 4 as not substantially complete due to the shared driveway as depicted on the plan. Rick Stern seconded, and all were in favor.

Chairman Hebert continued the public hearing to March 10, 2014.

2) Reports:

Chairman Hebert said he and Town Planner, Tom Morgan and Board of Selectman, Jan Stuart met with PSNH to discuss their proposal to run transmission lines up under Great Bay from Durham through Town. Mr. Morgan said they were told they were coming in from Madbury, but he believed they were coming in from the Deerfield Station. He said they would be coming up through Gundalow Landing and on to Hannah Lane before going south down the Spaulding turnpike. Chairman Hebert said they would like to see them come out of the residential area before coming out of the ground. He said they asked PSNH if this was part of the Northern Pass, but they denied it. Board of Selectmen representative, Rick Stern said there was some legislation being considered regarding burying the lines from the Northern Pass. He said the Town was reviewing attorneys.

Mr. Pare said the Newington Power station was older and might be retired, especially with a new power source coming in. Mr. Richardson said much of the value of the plant has already gone, and the only remaining value is in the resale to China.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – Monday, January 27, 2014

Mr. Morgan said their initial proposal showed them going through the Frink Farm, which is on the National Historic Registry and is protected. Chairman Hebert said the presence of the airport is another factor in their favor.

Mr. Stern suggested that anyone interested in expressing his or her concern could stop by the Town Hall to get the cell number of the PSNH contact. Begin...

Chairman Hebert asked Mr. Morgan what the status of the Town's request for the Federal Railway Association to come before the Town to answer questions regarding the condition of the rails that the Sea-3 propane shipments would travel. Mr. Morgan said they told him they would come so long as the public wasn't there. Chairman Hebert said Pan Am told them they had a working relationship with the FRA so they should leave it up to them if they wanted to be considered for approval. Mr. Richardson said otherwise Sea-3 would be unfairly held captive by Pan Am's lack of cooperation. Mr. Morgan said they might need congressional help to get a response from the FRA.

Minutes: *Peggy Lamson motioned to approve the Planning Board Minutes for January 13, 2014. Jack Pare seconded the motion, and all members voted in favor.*

Adjournment: RS motioned to adjourn. PL seconded, and all were in favor. The meeting adjourned at 9:20 p.m.

Next Meeting: Monday, February 10, 2014

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary