

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – September 24, 2012

**Call to Order:** Chair Denis Hebert called the September 24, 2012 meeting to order at 6:34 PM.

**Present:** Mike Marconi, Vice Chair; Jack Pare (arrived at 6:55 p.m.); Dick Spinney; Alternate Member, Peggy Lamson; Board of Selectman Representative, Rick Stern; Jane Kendall, Recorder; and Thomas Morgan, Town Planner

**Absent:** Patty Borkland and Bernie Christopher

**Public Guests:** Joe and Kay Akerley  
Dave Hislop with Knight Hill Land Surveying Services

### 1) Public Hearings:

Proposal by **Kathleen Akerley** for 3-lot subdivision at 325 Fox Point Road, Tax Map 9, Lot 2

Alternate Board member, Peggy Lamson recused herself as an abutter to the applicant.

Dave Hislop with Knight Hill Land Surveying Services came before the Board on behalf of Kay Akerley for her subdivision proposal, with a review of inquiries as were outlined by Town Planner, Tom Morgan. Mr. Hislop noted that there is a recorded plan of the boundaries, and only half of the property involving the two proposed lots was required to be surveyed, and that wetlands buffers and setbacks would be met. Hislop informed the Board that test pits for septic systems would be dug on September 26, 2012. Board Chair, Denis Hebert asked where the proposed septic systems would be, and Mr. Hislop said they would meet the 40 foot setback required.

Dave Hislop also showed the Board where the proposed driveway curb cuts would be. Chair Hebert then asked the applicant if there were any plans in the future to subdivide and develop the property in the back of the proposed lots, and the applicant's son, Joe Akerley spoke on her behalf saying they had no plans to do so, but Chair Hebert suggested they needed to consider that someday some future owner may. Kay Akerley said the property is in Current Use at this time. Joe Akerley asked why they needed a septic perk test on the lot nearest to Tinker (Akerley)'s lot, which would serve as an extension to her property as she has no present intentions of selling for development. Kay Akerley asked why they couldn't add that parcel to Tinker's lot if there was no intention to make it buildable. Tom Morgan said they would need to apply for a lot line adjustment instead of a subdivision application for that lot if they wanted to add it to Tinker's lot, but that they would pay a penalty for taking it out of Current Use.

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Joe Akerley asked about penalties for taking the property out of Current Use, and Tom Morgan advised them to speak with Susan Henderson who does assessments for the Town. Chair Hebert agreed that they could do a lot line adjustment if they were never going to sell the property, but they should keep in mind that a larger lot by itself would not be worth as much as two buildable lots, which would also be taxed more, and that they should consider subdividing now if there was any thought to selling in the future.

Chair Hebert asked if there were any easements on the property, and Mr. Akerley said NE Telephone and Telegraph did a search after approaching them with using the property in 1997, and found they had no easements. Akerley said he could provide copies of the letter.

Tom Morgan asked about plans for the waterlines, and Dave Hislop said he was planning on meeting with the City of Portsmouth Water Department for a discussion soon. Morgan asked the Board about underground utility regulations, and Chair Hebert said they should be consistent with all applicants and asked that they be underground. The Board members and Joe Akerley all agreed.

Chair Hebert asked if they would be providing a bond, and Board of Selectman representative, Rick Stern said they would need a bond and building permit. Mr. Akerley said the builder doing the application would provide those.

Chair Hebert asked Board members to review Tom Morgan's inquiries for the proposal before the next meeting on Monday, October 15, 2012. Tom Morgan informed everyone in advance that there would be a lot of issues on the agenda during that meeting.

## **2) Pending Business**

### **A) Mobile Telecommunications Towers**

Town Planner, Tom Morgan presented Board members with the Public Notice regarding a hearing scheduled on Monday, October 15, 2012 to consider amending Article XV – Trailers, Mobile Storage Containers, and Mobile Telecommunication Towers

The Board reviewed the wording of Article XV. Tom Morgan recommended that they not list fees, which change periodically. Selectman, Rick Stern asked where the determination of fees is written, and Tom Morgan said it is on the Town website.

A discussion of how to handle the installation of towers based on emergencies, whether actual or alleged ensued. Board Chair, Denis Hebert suggested they add "...shall obtain a permit within two days of an emergency" to ensure that emergency installations not be done carte blanche without review.

***Mike Marconi moved to send Article XV to Public Hearing on Monday, October 15, 2012. Rick Stern seconded, and all were in favor.***

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### B) Altus Project #3299, **Great Bay Marine Drainage Improvements**

Tom Morgan referred to a September 19, 2012 letter from Altus Engineering, and the suggestion in the letter that the project not require an engineering review. Board Chair, Denis Hebert expressed concern with the potential for conflict of interest with a project done by the same engineering firm that does Town reviews. Tom Morgan said he shared that concern. Vice Chair, Mike Marconi suggested that they send the proposal to a third party for review. Peggy Lamson said she sees the same issue with engineers that do work for various corporations in the Portsmouth Development Authority, and also represent the PDA. Chair Hebert agreed, but expressed concern for the learning curve involved with bringing in another party becoming familiar with Town Ordinances line by line. Hebert commented that Great Bay Marine initially proposed condominiums, and has worked with the Board since that time, expressing concern with keeping them as a “good neighbor” rather than having another company come in that might not be as cooperative. Jack Pare suggested the Board send a letter to Altus Engineering advising them that they would need to send the plan out to another engineering consultant to avoid the appearance of a conflict of interest.

***Mike Marconi moved that the Planning Board review the issue of project proposals by engineers that also represent the Town. Jack Pare seconded, and all were in favor.***

**Comments:** Chair Hebert noted the recent passing of former Board of Selectman and Planning Board member, Jack Kent, and commented on his years of service to the Town. Peggy Lamson said that former Board members, Kent, Frink, and deRochement were known as “..the three wisemen”.

**Minutes:** Mike Marconi motioned to approve the Planning Board Minutes for September 10, 2012. Rick Stern seconded the motion. Peggy Lamson was not present at the last meeting and recused herself from voting. All other members voted in favor.

**Adjournment:** Mike Marconi motioned to adjourn. Jack Pare seconded, and all were in favor. The meeting adjourned at 7:30 p.m.

**Next Meeting:** Monday, October 15, 2012

**Respectfully**

**Submitted by:** Jane K. Kendall, Recording Secretary