

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – October 22, 2012

**Call to Order:** Chair Denis Hebert called the October 22, 2012 meeting to order at 6:30 PM.

**Present:** Mike Marconi, Vice Chair; Patty Borkland; Bernie Christopher; Dick Spinney; Alternate Member, Peggy Lamson; Board of Selectman Representative, Rick Stern; Jane Kendall, Recorder; and Thomas Morgan, Town Planner

**Absent:** Jack Pare

### 1) Preliminary Discussion:

Proposal by **Dick's Sporting Goods** to place eight storage trailers behind their store at the Crossings at Fox Run, Tax Map 34, Lot 3.

Town Planner, Tom Morgan presented a sketched site plan from the applicant along with a memo from Building Inspector, John Stowell noting that Town Zoning Ordinance, Article XV, Section 4 requires Planning Board approval for more than two (2) trailer/containers in a lot. The applicant did not appear. Board Chair, Denis Hebert said the original intent was to allow loading and deliveries, not storage, and the ordinance was written to prevent a build up of trailers in the backs of buildings even if they may be there for seasonal use only. Hebert said he was concerned that delay tactics are being used until the sales season is over. Alternate Board member, Peggy Lamson said many businesses used to use Allard Storage but Allard no longer offers those services so businesses are trying to store their goods in trailers behind their buildings instead. Board member, Dick Spinney said a group of trailers might create a hazard for emergency access if there were a fire. Chair Hebert also questioned how they would manage snow removal.

Chair Hebert said the fees are currently based on square footage at the same rate for the stores, and suggested they may need to be reconsidered to keep storage use in check. Dick Spinney suggested a visit from the Fire and Police Chiefs, and Tom Morgan said the building inspector should probably visit them first.

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### 2) Public Hearing

Proposal to regulate **mobile communication towers** by amending Article XV of the Zoning Ordinance

Chair Denis Hebert continued with discussions regarding permits being required for emergency mobile tower installations no later than two days after State or Town declared emergencies that would also have fees waived. Vice Chair, Mike Marconi asked about fee schedules for towers raised for non-emergencies, and Town Planner, Tom Morgan said they are charged by the square foot of the trailer, the fee schedule is on the Town website, and the building inspector issues the permits.

Chair Hebert closed the public hearing.

***Mike Marconi moved to make changes to Article XV as edited on the draft. Rick Stern seconded, and all were in favor.***

### 3) Proposed Amendments to Land Use Regulations

#### A) Setbacks for signs in Residential District

Town Planner, Tom Morgan said the current ordinance for a setback of 40 feet for a two (2) square foot sign has been a problem since its inception as passing vehicles cannot see signs that small set that far back. Board Chair, Denis Hebert said they also need to consider obstructions to the line of sight when exiting the lot in question. Tom Morgan recommended a ten-foot setback so long as it created no public safety hazard. Patty Borkland said she thought ten feet to be too far from the road for viewing. Dick Spinney said it could be closer to the road, but the sign should be higher. Chair Hebert recommended the sign size be increased to three (3) square feet.

***Mike Marconi moved that the proposal for sign setbacks in the residential districts go to public hearing on Monday, November 19, 2012. Bernie Christopher seconded, and all were in favor.***

#### B) Time limits on signs advertising agricultural products

Tom Morgan said the original ordinance was created to enable local farmers to advertise their goods at farm stands, but the six-month limit is restrictive for anyone wanting to sell their goods throughout the year. Chair Hebert noted that the size of these signs could be as much as 32 square feet, and could obstruct the line of sight if placed too close to the road. Hebert recommended cutting the size of the signs by half, and keeping them ten feet from the road with no time limit.

***Patty Borkland moved that the proposal for signs advertising agricultural products go to public hearing on Monday, November 19, 2012. Mike Marconi seconded, and all were in favor.***

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### C) Hay Bales

Tom Morgan opened the discussion, noting that some towns have outlawed the use of hay bales for erosion control purposes in favor of salt marsh hay or silt fences. Peggy Lamson said there is a serious concern with spreading the seeds of invasive species like bittersweet and knotweed via hay bales. Chair, Denis Hebert said the State of Maine has similar laws to reduce the risk of invasive species regarding bringing firewood from out of state. Rick Stern said last month the Board of Selectmen had a discussion with DOT on the subject. Stern said the State is using wood chips, and grinding them on location rather than bringing them in.

Rick Stern also noted that there had been a leak in the silt fencing used near the new bridge construction over the weekend, but supposedly there are sand bags in place to assist with filtering runoff going into the bay. Chair Hebert said he had also seen problems with the use of mesh around storm grates, which reduces the intended flow of runoff, causing water to go elsewhere, or the collapse of the mesh, introducing all the built up sediment to enter the drainage system anyhow. Hebert suggested the Board consider conferring with DES recommendations, and discussing further at the next meeting on Monday, November 19, 2012.

### 4) Announcements & Discussions

Notice had been received that the Budget Committee is meeting with the Board of Selectmen on Monday, November 19, 2012, to review budget proposals for the year, but the Planning Board would be meeting on that night so they would need to reschedule to December 3, 2012, or have the vice chair attend. Hebert noted that there had been an increase in meetings since business has been picking up, but their budget has gone down over the years. Tom Morgan said it has been going down 3-4% per year.

Board of Selectmen representative, Rick Stern said they have been discussing recording meetings, whether by audio or videotape, and asked Board members what they thought. Stern said they could put the videotapes on CD and post them on the Town website.

Bernie Christopher said he was in favor of it. Patty Borkland said she was not comfortable with the idea of losing the relaxed, learning atmosphere of the Board. Chair, Denis Hebert said he understands the value of videotaping, but is concerned that videotaping would make people too self-conscious, and people on the Board would no longer be comfortable airing their concerns openly, and would hate to see the small town atmosphere become more like a larger city. Vice Chair, Mike Marconi said they could shut the camera off for confidentiality when in executive or financial session. Stern said he thought it could make people behave more respectfully when coming before the Board, but it would not be broadcasted. Chair Hebert said he thought it could be used as a tool or a weapon, but past experience told him that it most often gets used as a weapon to coerce people into saying things for the record. Hebert also said he thought it might discourage recruitment of new Board members.

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A discussion ensued regarding recommending a joint session with the Planning Board at the next Zoning Board of Adjustments meeting to be held on Monday, October 29, 2012. Chair Hebert said it could be a joint work session to discuss issues, and they could bring up past cases for reference, but not current cases. Tom Morgan noted that Town counsel, Attorney John Ratigan said it would be good to hold a joint session to review ordinances, but agreed that the Boards could not discuss current cases to avoid collusion. Morgan said there have been cases where the legislature said holding joint meetings on particular cases was permissible, but it is recommended to not list particular uses to avoid discrimination. Peggy Lamson said it is very important that the ZBA review the Five Criteria themselves for each case that comes before them. Chair Hebert said the ZBA is intended to serve as a relief to anyone having a hardship without any alternatives, but the Planning Board has good reason to ask applicants what those hardships are to determine if they should go to a Town vote instead of applying for a variance. Hebert said it is important for anyone who takes an oath to serve on a Town board to uphold that oath regardless of their personal beliefs, or interests.

Vice Chair, Mike Marconi informed the Board that he had received a phone call at home from Attorney Bernie Pelech to discuss both the Mazeau subdivision and the Short family subdivision cases before the Boards. Board Chair, Denis Hebert asked Mr. Marconi if he thought there was any conflict of interest, and Marconi said he knows the Short family and would recuse himself as Planning Board representative to the ZBA if the Board asked him to. A discussion ensued as to who would take his place, and Chair Hebert said he would ask another Board member to volunteer or attend the meeting himself. Marconi said someone should inform ZBA Chair, Matt Morton, and Tom Morgan said he would let him know.

**Minutes:** Bernie Christopher motioned to approve the Planning Board Minutes for October 15, 2012. Patty Borkland seconded the motion, and all members voted in favor, except Mike Marconi who was absent from the meeting and abstained.

**Adjournment:** Mike Marconi motioned to adjourn. Peggy Lamson seconded, and all were in favor. The meeting adjourned at 8:30 p.m.

**Next Meeting:** Monday, November 19, 2012

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