

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – May 9, 2011

Call to Order: Chair Denis Hebert called the May 9, 2011 meeting at 6:32 PM.

Present: Patty Borkland; Irving Beebe; Cosmas Iocovazzi; Jack Pare; Alternate Members, Clifford Abbott and Peggy Lamson; Jane Kendall, Recorder; and Thomas Morgan, Town Planner

Absent: Mike Marconi

Public Guests: Craig and Susan Daigle; Randy Durst; Marty Leighton; Gurubhai and Hari Khalsa; Edna Mosher; Joey Cresta, Reporter for "Portsmouth Herald"

1) Referral from Board of Selectmen: Livestock Policies

Board Chair, Denis Hebert introduced a public discussion of concerns with livestock in Town, and a request from the Board of Selectmen to consider the establishment of a policy. A sample of the City of Dover's Livestock Policy was provided for example. Chair Hebert asked members of the Board to be impartial, leaving out particulars of name and place.

Board member, Patty Borkland stated that she and her husband own between 15-20 chickens at any given time and have fenced them in at the request of neighbors, therefore understanding the importance of respect for neighbors. Borkland suggested it might be necessary to consider the number of animals and space available for the well being of all.

Board member, Jack Pare expressed that there is a lot of pride in our town of less than 1,000 residents, and the importance of considering "If you want to come to pastoral, sometimes it smells like pasture." Pare also said it is still important to refer to the State's Department of Health Codes.

Alternate Board Member, Peggy Lamson agreed with Borkland and Pare in supporting the agricultural character of the town, but also suggested there may be a need to establish guidelines for distance of livestock from neighbors, such as the no "...less than one hundred (100) feet from any property boundary" listed in item #11 on the City of Dover's Livestock Policy. Patty Borkland also wondered if it might be advisable to consider #8 that sets a minimum square footage of land area for livestock. Town resident, Sue Daigle said the NH Department of Agriculture advises 1.5 square feet per chicken, and asked what would happen to existing farms.

Town resident, Craig Daigle said he didn't believe it necessary to change or establish new rules to match other towns, but acknowledged the smell of livestock waste can be strong, and recommended moving manure and compost piles as far from neighbors as possible, as well as spreading lime over piles to keep odors down. Daigle also suggested that a loosely knit, grass roots group of volunteers, much like the Grange could help mediate agricultural disputes among neighbors. Chair Hebert expressed concern for the impartiality of a quasi committee.

Town resident, Randy Dunst said most neighbors are respectful, but some are not. Gurubhai Khalsa said she wrote a letter to the Board of Selectmen to affect a positive change in her neighborhood, requesting a model of guidelines to establish respect among neighbors. Hari

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Khalsa suggested the “honor code” only works when people agree to cooperate, and is concerned that leaving problems to neighborhood discussions wouldn’t help resolve disputes, and asked that the Town step in to assist.

Patty Borkland asked Joey Cresta, Reporter for the “Portsmouth Herald” who was among the public why his article didn’t represent both sides of the issue. Cresta said he had made several attempts to contact the individuals who had made a complaint, but was unable to reach them. He said he did, however, refer to their letter of complaint to the Board of Selectmen.

Town resident, Edna Mosher said, “Feuding neighbors is a terrible thing, and we shouldn’t have to go that route.” Mosher said she believes it should be under the Board of Selectmen’s jurisdiction to address issues rather than passing it on to the Planning Board to establish regulations.

Mosher also noted that residents objecting to livestock should consider that a 40 pound dog generates 1.75 pounds of waste a day, compared to ten chickens that generate 1.66 pounds of waster per day.

Town resident, Marty Leighton suggested the use of open public land, to spread livestock waste to fertilize community gardens use might be a positive solution. Jack Pare reminded everyone that there is a place at the Town Transfer Station to dump agricultural waste for composting.

Peggy Lamson suggested that the Board of Selectmen and Code Enforcer utilize the Health Officer’s influence to address any issues. Board member, Irv Beebe agreed that the Town Health Officer should address and enforce concerns rather than writing new legislation. Board of Selectmen representative, Cozi Iocovazzi agreed, but said that the Board of Selectman wanted to hear people’s opinions first. Edna Mosher asked if the BoS, as code enforcers have an ordinance to address issues, as was done in the past with a resident that had collected and spread junk all over their home lot. Gurabhai Khalsa said that when food waste odor had been reported 11 months ago to Charlie Smart, Building Inspector at the time, they’d been advised that there were only Best Management Practices (BMP) guidelines for food waste, but no ordinances or laws. Peggy Lamson said a resident could call the State Division of Public Health for an inspection if there was any possibility of violations. Board Chair, Hebert said there are various Town ordinances in existence that include lighting, noise, and run off for example, to protect residents from various new construction enterprises, but they’re difficult to enforce on existing enterprises.

Board Chair, Hebert closed the Public Hearing and opened discussion from the Board. Alternate Member, Cliff Abbott reminded members that there used to be guidelines in the Town of Greenland to only spread manure on the fields during certain days of the week out of consideration for residents. Jack Pare said acreage guidelines wouldn’t prevent south winds from dispersing agricultural odors. Abbott recommended the need to review ordinances with the Code and Health Officers. Irv Beebe asked if the Code Enforcer had informed the Board of Selectmen when the issue first came up. Cozi Iocovazzi said the issue had not been brought to his attention until the recent receipt of a letter of complaint, and the Selectmen thought it important to enlist other members of Town government for feedback.

Jack Pare said chicken coops also have to obey set back ordinances that can be enforced within 30 feet. Chair Hebert also acknowledged that there are septic ordinances that specify how many square feet are required for human habitation, but that animals would add to the impact of

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waste on a property lot. He also said fire and safety can also be an issue that needs to be addressed.

Cozi Iocovazzi asked if the Planning Board should consider the creation of ordinances to avoid these problems in the future. It was the general consensus of the Board that the Selectmen proceed with their investigations. Chair Hebert reminded everyone that issues had come before the board before, as recently as the July 12, 2010 meeting where copies of the NHDA's "Manual of Best Management Practices for Agriculture in New Hampshire" were made available to the public attending the meeting, and were on file with the Town, noting that they are just recommendations and not regulations. As noted in the July 12, 2010 Meeting Minutes, the form and instructions for filing complaints intended to resolve environmental or social problems from agricultural operations begin on page 40 of the document and would need to be filed with the Commissioner of the NH Department of Agriculture, Markets and Food per RSA 431:33-35.

In closing, Chair Hebert said that as much as the Town wants to retain their rural and agricultural options, as he himself and many others were raised on or around family owned farms, they need to recognize that towns are getting denser and it may be necessary to establish Town ordinances to prevent disputes and unforeseeable changes that could be to the detriment of the residents at large. Board members agreed that the issue requires further discussion and recommended putting it on the June meeting agenda as a work session.

2) Estuarine Water Quality: Request for comments from the EPA

Town Planner, Tom Morgan presented copies of a April 24, 2011 editorial in the "Portsmouth Herald" written by York Harbor, ME resident, Jeff Barnum addressing concerns with the Great Bay Community Protection Act introduced to Congress by U.S. Representative, Frank Guinta "...that would ban for five years, (EPA) efforts to improve water quality in the Great Bay watershed." Morgan acknowledged that there are multiple sources of nitrogen pollution to the bay including atmospheric, fertilizers and storm water and road runoff, but pointed out that the EPA has been tracking nutrient pollutants in waterways for years, despite claims that there is no need for an improvement of their waste water treatment plants by five towns out of the larger group of towns called the Southeast Coastal Watershed Alliance (SWA) brought together at the encouragement of the EPA and NHDES. Morgan said these five towns are the towns that EPA determined had the highest rates of nitrogen released from their wastewater treatment plants, and have been asked for improvements to their facilities.

Board Chair, Denis Hebert asked Morgan how Newington's wastewater treatment stands, and was told that Newington is very good, having won an award, and that Durham's treatment plant is even better.

Alternate Board member, Peggy Lamson said recognition of nutrient pollutants, especially nitrogen in Great Bay, and the need to do something about it has been coming for the past 10-15 years, and many of these towns have delayed and forestalled action, and are still doing so. Lamson said we're not seeing as many horseshoe crabs along Great Bay and we're seeing the disappearance of eelgrass at an alarming rate, along with oyster beds, and other aquatics.

Tom Morgan said the EPA is holding a Public Hearing in Exeter on June 9, 2011 for anyone in coastal NH to comment, and asked if anyone from the Planning Board would attend beside himself. Chair Hebert moved to support the Town of Newington's position in favor of the

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EPA's findings, new standards and requirements. Peggy Lamson seconded and all members were in favor.

3) Appointments

Patty Borkland regretfully expressed concern with taking on more duties as a representative on the Board of Adjustment at this time, due to family commitments, and requested another year before making the additional commitment. Chair Hebert agreed that it is an additional duty that can be very challenging and demanding. Hebert asked other members to consider the position, and said he would sit in on the next BoA meeting in the meantime. Cozi Iocovazzi motioned that Chair Denis Hebert act as a temporary representative for the next the Board of Adjustment meeting. Peggy Lamson seconded and all were in favor.

Chair Hebert announced that there is still one vacancy on the Planning Board to fill Rick Stern's former seat. Tom Morgan referred to a letter of application from Bernard Christopher, Jr. Alternate member, Cliff Abbott motioned to accept Bernard Christopher's application for the open seat on the Planning Board. Cozi Iocovazzi seconded the motion, and all members were in favor.

Chair Hebert asked if any members would like to serve as a representative on the Rockingham Planning Commission (RPC). Tom Morgan said this position could include anyone in town, not just from the Board, and that there could be as many as two representatives. Board members suggested Chair Hebert ask former Board member, and RPC representative if he would like to continue in the position, noting that the Board of Selectmen would then need to send a letter of recommendation to the RPC.

4) Minutes

Alternate member, Cliff Abbott motioned to accept the Minute of the April, 11, 2011 Meeting as amended. Patty Borkland seconded and all members were in favor.

5) Pending Business: Road Standards

Tom Morgan said he had contacted Town engineering consultant, Altus Engineering about attending the next work session, and that they would be also be available during the monthly meeting in June.

Chair Hebert stressed the importance of addressing serious problems with the existing standards. Board member, Jack Pare said the Board could use help with the technical data, but do their own wordsmithing. Hebert asked Board members to review the documents and prepare their questions for Altus Engineering consultant, Eric Weintraub in advance of the meeting.

Adjournment: Jack Pare motioned to adjourn. Irv Beebe seconded, all were in favor and meeting adjourned at 8:30 pm

Next Meeting: Work Session TBA either on Monday, Month 16 or May 23rd, 2011

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary