

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, January 11, 2021

Call to Order: Chair Denis Hebert called the January 11, 2021 meeting at 6:00 p.m., followed by the pledge of allegiance.

Present: Chair Denis Hebert; Vice-Chair Erika Mantz Board Members: Russ Cooke; Christopher Cross; Ben Johnson; and Peter Welch; Alternate Board member Jim Weiner (by phone); Board of Selectmen's Representative, Ken Latchaw; Town Planner, John Krebs and Jane Kendall, Recorder

Absent: Alternate Board member Rick Stern

I) New Business:

A) Discussion of permitted uses for potential drug detox facility in Office District at 2299 Woodbury Avenue

Town Planner, John Krebs informed the Board that he had received an email that the developer that was considering a proposal for a detox facility in the Office Zone decided that they were not going forward with their proposal, but they didn't say why. Mr. Krebs informed the property owner's representative that was present for the meeting.

Board member, Chris Cross suggested that the Board might want to consider issues involved with the possibility of running a a clinic in the Office Zone at some point.

B) Discuss of proposed Zoning Amendments for 2021 Town Meeting

Mr. Krebs passed out the public hearing notice for previously discussed amendments had been published and posted for Monday, January 25, 2021. Mr. Krebs informed the Board that they had missed the opportunity to schedule two hearings for major changes, and the last day to hold another public hearing would be Monday, February 1, 2021.

Amendment 1: Item XII – Special Flood Hazard Areas:

Board member Russ Cooke said suggest that Mr. Krebs put FIRM in parenthesis under Item XII – Special Flood Hazard Areas.

Amendment 3: Article VII – Dimensional Requirements, Section 2 – Maximum Length of Residential Roads: *Dead end streets located in Residential*

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Zoning Districts shall not exceed 1,500 feet in length measured along the centerline of the road commencing at the edge of pavement of the existing road to the farthest point of the cul-de-sac.

Chair Hebert said he was still concerned with removing the waiver in the regulations from the Planning Board's control to the Ordinance that would require a variance.

Mr. Krebs said Town counsel, Attorney John Ratigan recommended the change as he felt it would be easier to defend an appeal to a variance decision than a waiver.

Mr. Cooke said he agreed that it should be in the Ordinance, as most requests for relief were heard by the Zoning Board of Adjustment (ZBA).

Mr. Krebs said he understood the concern was if the ZBA would grant a variance that the Planning Board would not grant through a waiver. Chair Hebert said he wondered if the ZBA would understand the purpose of the road length regulation. Mr. Cooke said might want to say that reason was for safety.

Mr. Krebs said the recourse to the denial of a waiver from the Planning Board would be to go to Superior Court, and the same would be required as recourse to a Zoning Board of Adjustment (ZBA) denial, but the Town didn't have any history of granting longer dead-end roads since it became a regulation. Mr. Krebs noted that the waiver criteria were easier to meet than ZBA criteria, but Attorney Ratigan thought it would be easier to defend.

Board member, Peter Welch wondered if there would be any differences in representing the Town's interest considering that the Planning Board and the ZBA had different attorneys. Chair Hebert agreed it was a good question if the Town would want an attorney that helped the Board develop the regulations.

Chair Hebert added that the Board of Selectmen could select which attorney was used. Board of Selectmen's representative, Ken Latchaw said they would listen to the Board, and which attorney they use might depend on the issue, and who would do the best job.

Mr. Cross commented that the Planning Board and the ZBA's had different roles, and the ZBA had more limited ability than the Planning Board when following criteria, so he would support a recommendation for Attorney Ratigan.

Amendment 4: Article II – Zoning Districts

Mr. Krebs stated that Attorney Ratigan had recommended that descriptions and purposes be added to the districts so that applicants would have a better understanding of the differences.

Chair Hebert noted that nothing in the zones were changing.

Mr. Cross suggested that they say non-residential in each explanation rather than commercial to avoid confusion with the Commercial District. Mr. Krebs explained

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that the term commercial was used whether industrial or office use, but he agreed that non-residential was more succinct.

Article XVIII – Workforce housing Overlay District, Section 3

Mr. Krebs stated that a revision to last year's amendment had been discussed in previous meetings. Mr. Cross said Mr. Krebs came up with new language in response to an opinion received from the Board of Selectmen's legal counsel, Attorney Spector-Morgan asking that the Board should show some flexibility and consider expanding the existing Workforce Housing Overlay District.

Chair Hebert commented that the Planning Board had to word things with the approval of a town vote, and they couldn't tie hands of future boards by suggesting flexibility with areas beyond a designated zone.

Mr. Krebs said there was a concern that the proposed expansion was too big, and might complicate other development proposals. Mr. Krebs suggested that the Planning Board should recommend that the alternate lots be removed, and the Board and Mr. Latchaw agreed to keep the existing lots in the overlay district.

Mr. Latchaw commented that the Board should keep the triangle between Newington, Portsmouth, and the rest of the Seacoast that drove the local economy as an important consideration for workforce housing.

Chair Hebert said the discussion was only on the purpose of the zone. Mr. Cross said he realized that the property over to the railroad ditch also met the opportunities for multiunit housing, but wasn't included in the existing parcel.

Mr. Cooke said he didn't recommend any change because it was adequate and it referenced the tax map.

Mr. Latchaw said he didn't think the area was ideal for children. Mr. Cross noted that there was access for emergency service vehicles, however.

Chair Hebert suggested that it say, "...this area was adjacent to the existing Residential Zone and had existing municipal water, sewer and natural gas connections, as well as emergency services access."

Vice-Chair Mantz noted that there was nothing to say compliance had to include multiunit housing.

Mr. Krebs said he would write up the recommendations for the next public hearing.

Erika Mantz moved to recommend that Amendment 4: Article II – Zoning Districts go to public hearing. Peter Welch seconded the motion, and all were in favor.

II) Old Business:

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Mr. Krebs informed the Board that Town Administrator, Martha Roy had informed him that a major car dealership expressed interest in locating at Newington Park. Mr. Krebs said he didn't think the Board had time to study the possibility for this year, but he wasn't sure that the Board would want to encourage multiple car dealerships close together. Mr. Krebs said he didn't think car dealerships paid high taxes, but some of them had expensive buildings, so they might look at the possibility for next year.

Mr. Cross said he didn't think, the Town would have a choice if the use was allowed in the Commercial Zone.

Chair Hebert responded that the Board couldn't be anticompetitive, but the Board has said there were enough of certain businesses such as restaurants, and self-storage in the Office Zone.

Mr. Krebs informed the Board that John Liatsis would be coming into the next Board meeting for a preliminary consultation regarding a new road and subdivision plan. Mr. Krebs stated that any discussions during a preliminary consultation were not binding.

Mr. Krebs noted that Mr. Liatsis would have half an hour for his presentation on the road length before the next public hearing began., and that he would have to return with a formal application to discuss details of the subdivision regulations.

Adjournment: *Peter Welch moved to adjourn the meeting. Erika Mantz seconded the motion and the meeting adjourned at 740 p.m.*

Next Meeting: Monday, January 25, 2021

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the January 25, 2021 Planning Board Meeting.