

# Town of Newington, NH

## PLANNING Board

Meeting Minutes, Monday, January 25, 2021

- Call to Order:** Chair Denis Hebert called the January 25, 2021 meeting at 6:00 PM.
- Present:** Chair Denis Hebert; Vice-Chair Erika Mantz; Board members: Chris Cross; Ben Johnson; Peter Welch; Board of Selectmen's representative Ken Latchaw; Town Planner John Krebs and Recording Secretary Jane Kendall
- Absent:** Board member, Russ Cooke; Alternates, Rick Stern and Jim Weiner
- Public Guests:** John Liatsis; Tom Heney with Master Built Homes; Bob and Brenda Blonigan; Ted Connors; Jeff Hiatt; Paul Reardon; Town Counsel, Attorney John Ratigan

I) Preliminary Consultation with John Liatsis on residential subdivision road length regarding property located at Nimble Hill Road, Map X, Lot XX

Tom Heney with Master Built Homes appeared before the Board along with property owner, John Liatsis.

Mr. Heney presented two road plans for a four-lot subdivision for Mr. Liatsis that would comply with the 1,500-foot length limit in the Zoning Ordinance. Mr. Heney said it was not their favorite road and subdivision design, but the Planning Board had not liked other designs submitted previously. Town Planner, John Krebs responded that it wasn't that the Planning Board didn't like the previous road design, but that it exceeded the 1,500-foot limit.

Mr. Heney stated that they were looking for feedback before going forward with formal engineering of the subdivision. Mr. Krebs said when Mr. Liatsis and his attorney contacted him, they said they wanted to discuss the road length proposal. Mr. Liatsis said he didn't see any issue so long as it was under 1,500 feet, but discussions on geometry were premature.

John Liatsis of Nimble Hill Road said he wanted to go forward with designing the subdivision, but said there was disagreement on the 50-foot and 100-foot setbacks between his wetlands scientist with Gove Engineering, and the Town's wetlands consultant, Mark West. Mr. Krebs responded that Mr. West had already advised on the 50-foot setback and 100-foot setbacks, and anything further would not be determined on preliminary consultation.

Chair Hebert added that there were no wetlands experts present to discuss wetlands. Mr. Krebs said the statute says that preliminary consultations were not

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binding, but suggested that Mr. Liatsis get together with him and Mr. West to discuss the wetlands.

Mr. Liatsis said he had already met with Mr. West, did drainage studies, and did test pits, but disagreed with the 100-foot setback considering that he was further from Great Bay than others who only had 50-foot setbacks. Chair Hebert responded that the Board wasn't treating him any differently than others that had applied for subdivisions, and the reason that the Board didn't approve his previous proposal was that the road was twice the allowed 1,500-foot length. Chair Hebert advised Mr. Liatsis and Mr. Henley to review the subdivision regulations before going forward with the design. Mr. Krebs said he was pretty sure there was plenty of room for adjustments to place four lots within the wetlands setbacks with the 50-foot setback being on the left, and the 100-foot setback being on the right.

Mr. Krebs advised Mr. Henley to pay attention to the form factor requirement as well.

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*Chair Hebert called a short recess at 6:25 p.m. to consult with legal counsel. The meeting resumed at 6:48 p.m.*

### II) Discussion of proposed 2021 Town Meeting Zoning Amendments DRAFT

*(Amendments 1, 2 and 3 were delayed so that the following items clarifying the descriptions and purpose of the zoning districts could be discussed first.)*

D. Zoning Amendment #4: Article III – Zoning Districts, Section 2.A - Office District. Amend by adding the *italicized*, underlined language

Mr. Krebs referenced Board member, Chris Cross' memo with suggestions, noting that the advantage of the Office District was different on the easterly side of the Spaulding Turnpike.

Jeff Hiatt of Little Bay Road passed out a presentation to Board members, regarding changes that occurred since the Ordinance was enacted in the 1980's. Mr. Hiatt said the Ordinance was intended to protect the Office, Commercial, Industrial, and Residential Zones values; but times had changed, and the rigid adherence to the zones may be sending a message that the Board was not willing to be flexible with developers and tenants in the commercial zones, which might drive tax rates up, and force more subdivisions of larger properties in the residential zone.

Chair Hebert responded that except for residential, the mixed-use option was already available for commercial, medical, pharmaceutical, and light industrial uses. Chair Hebert added that he had read that many businesses determined that they were grateful not to have residential areas too near to businesses.

Mr. Hiatt said he was only suggesting mixed use in the commercial retail area, and not residential use in the industrial area. Mr. Krebs responded he didn't know if anyone might want to subdivide their larger parcels over time, but the Planning Board

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felt putting residential uses in the middle of the Commercial Zone would be a problem. Mr. Krebs said mixed uses worked well in Portsmouth, but keeping commercial uses separate from residential uses in Newington had allowed a smoother approval process without objections or appeals from residential abutters. Mr. Krebs went on to say that both Dover and Portsmouth had higher tax rates than Newington, and he didn't think that business would be stifled if the tax rate went up slightly.

*Chris Cross moved to recommend the word changes in Zoning Amendment #4: Article III – Zoning Districts, Section 2.A - Office District. Amend by adding the italicized, underlined language #4 to be included in the 2021 Town Warrant. Peter Welch seconded, and the motion passed with all in favor.*

*(Vice-Chair Mantz left at 7:45 p.m. at this point in the meeting.)*

E. Zoning Amendment #5: Article III – Zoning Districts, Section 3, A – Commercial District. Amend by adding the italicized, underlined language

*Peter Welch moved to recommend the word changes in Zoning Amendment #5: Article III – Zoning Districts, Section 3, A – Commercial District. Amend by adding the italicized, underlined language to be included in the 2021 Town Warrant. Ben Johnson seconded the motion, and all were in favor.*

F. Zoning Amendment #6: Article III – Zoning Districts, Section 5.A - Industrial District. Amend by adding the italicized, underlined language

*Chris Cross moved to recommend the word changes in Zoning Amendment #6: Article III – Zoning Districts, Section 5.A - Industrial District. Amend by adding the italicized, underlined language to be included in the 2021 Town Warrant. Peter Welch seconded.*

Paul Reardon of Patterson Lane asked if Patterson Lane was excluded. Mr. Krebs replied that the intent was to create a large buffer between the Industrial Zone and the Residential Zone, but Patterson Lane was a residential settlement before the Zoning Ordinance, and was grandfathered.

Chair Hebert closed the public meeting.

*The motion passed with all in favor.*

A. Zoning Amendment #1: Floodplain Management

Mr. Krebs stated that the edit was a FEMA requirement.

Board of Selectmen's representative, Ken Latchaw stated that the Board of Selectmen had to send confirmation by January 29, 2021 that the Planning Board had voted to recommend the correction.

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**DELETE Item XII – Special Flood Hazard Areas:**

- a. In Zones refer to the elevation data provided in the community's Flood Insurance Study and accompanying **FIRM, and replace with:**

**Item XII – Special Flood Hazard Areas:**

- a. In Zone **AE** refer to the elevation data provided

Mr. Latchaw asked if flood maps were available for residents. Mr. Krebs replied that the State said that they wouldn't pay for them, and accessing them digitally was challenging, but he could print some for review.

*Peter Welch moved to recommend Zoning Amendment #1: Floodplain Management to go to the 2021 Town Warrant. Ben Johnson second, and all were in favor.*

**B. Zoning Amendment #2: to add Article III, Section 9, Pease Tradeport:**

- b. In the event that any land under the control of the Pease Development Authority (PDA) within the Town of Newington is transferred or sold to any entity other than the PDA, NO further development of any property may occur until such time as the Town of Newington adopts Ordinances and Regulations that address future development of land in Newington that was formerly under PDA control.

Mr. Krebs said that this addition came about because of Governor Chris Sununu's suggestion that he wanted to disband the Pease Development Authority (PDA), and privatize ownership. Mr. Krebs said the Planning Board expressed concern that there would be no zoning in place to cover the Pease Tradeport if that happened, so this addition would give the Town the ability to put development on hold until the Board could adopt regulations.

Chair Hebert added that the PDA Board of Directors voted against Governor Sununu's proposal, but the Governor said he would pursue the matter through Federal channels

Brenda Blonigan of Hannah Lane said she would support putting something into the Zoning Ordinance that would protect the town should Pease Tradeport become privatized.

*Ben Johnson moved to recommend Zoning Amendment #2, Article III, Section 9, Pease Tradeport to go to the 2021 Town Warrant. Chris Cross seconded the motion, and all were in favor.*

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C. Zoning Amendment #3: Add to Article VII, Dead End Roads:

**Section 2 – Maximum Length of Residential Roads:** Dead end streets located in Residential 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.

Mr. Krebs stated that Town legal counsel, Attorney Ratigan recommended that the same language that was in the Subdivision Regulations be put in Article VII, Section 2 of the Zoning Ordinance so that it would be easier to defend an appeal. Chair Hebert added that it would also give abutters an opportunity for appeal through the Zoning Board of Adjustment (ZBA) and courts rather than directly to the courts if a waiver was granted though the Subdivision Regulations.

Mr. Reardon commented that Patterson Lane was much longer than 1,500 feet. Chair Hebert agreed, but said it was one of the first roads put in, new Ordinances wouldn't affect Patterson Lane that would be grandfathered. Board member, Chris Cross added that there were several pre-existing roads that that longer as they were directed by the former Pease Air Force Base.

Mr. Krebs noted that the road length in most towns was 80 feet to 1200 feet.

*Peter Welch moved to recommend Zoning Amendment #3: Article VII, Dead End Roads, Section 2 – Maximum Length of Residential Roads to go to the 2021 Town Warrant. Ben Johnson seconded the motion, and all were in favor.*

F. Zoning Amendment #7: Article XVIII – Workforce Housing Overlay District, Section 3. Amend by adding the *italicized underlined* language.

Mr. Krebs stated that there were no changes to the Ordinance passed last year except to add an explanation. Chair Hebert added that this was to explain the reason for workforce housing, and no additional parcels were being added.

Mr. Cross proposed some minor editorial changes to improve the sentence structure.

*Peter Welch moved to recommend Zoning Amendment #7: Article XVIII – Workforce Housing Overlay District, Section 3 as amended. Ben Johnson seconded the motion.*

Mr. Latchaw stated that he would support the amendment, but asked that the Mminutes show that he still wanted a seconded legal opinion on the affordable workforce housing requirements, and a determination of the number of accessory dwelling units (ADU's) in Town that would meet the requirement in the Residential

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Zone. Mr. Cross responded that he thought that the Board was working on some of that.

Chair Hebert said it was an old discussion, and he still didn't know how the Planning Board could accurately access the number of ADU's and rents that would qualify as affordable workforce housing, but he thought that the Board of Selectmen could go through tax records to identify ADU's.

Mr. Cross informed the Board that there had been discussion on clarifying the requirements of affordable workforce housing in the State legislation. Mr. Cross went on to say that in reviewing the 1991 Master Plan when the Town proposed a mobile home park on Pease to meet the affordable workforce housing requirement, there would have been 55 single housing units, when only 18 units were required at the time, and that number has since grown to 100 units, which is disproportionate to the of residents in town. Mr. Latchaw agreed that Newington did not have many residents in proportion to the number of units recommended for workforce housing.

*The motion passed with all in favor.*

*(Attorney Ratigan left at 8:48 p.m. at this point in the meeting.)*

### **Minutes:**

*Peter Welch made a motion to approve the Minutes of January 4, 2021 with corrections as discussed. Ken Latchaw seconded, and all were in favor.*

*Ken Latchaw made a motion to approve the Minutes of January 11, 2021 with corrections as discussed. Peter Welch seconded, and all were in favor.*

**Adjournment:** *Peter Welch moved to adjourn the meeting. Chris Cross seconded the motion, and the meeting adjourned at 8:00 p.m.*

**Next Meeting:** To be determined

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

*These Minutes were approved and adopted by the Planning Board at their April 26, 2021 meeting.*