

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, November 16, 2020

**Call to Order:** Chair Denis Hebert called the November 16, 2020 meeting at 6:30 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, Rick Stern; Board of Selectmen's Representative, Ken Latchaw; Town Planner, John Krebs and Jane Kendall, Recorder

**Absent:** Alternate Board member, Jim Weiner

**Public Guests:**

### I) Work Sessions:

#### A) Discussion on **2021 Zoning Amendment Proposals**

*This item was delayed to discuss the following item first.*

#### C) **Floodplain Ordinance Amendments per FEMA**

*This item was taken out of order.*

Discussion ensued regarding the flood plain map that was submitted to the Town.

Town Planner, John Krebs noted that volunteers and staff had worked on updating the FEMA maps for a year or more to provide better elevation data to FEMA to reduce the cost of flood insurance for those in the floodplain, but FEMA ended up using Lydar data instead of the information provided. Chair Hebert added former Board member, Jack Pare updated and submitted the floodplains information in 2006 with former Town Planner, Tom Morgan, before FEMA told them that only the Lydar data would be used. they were told would only use Lydar.

Chair Hebert said the Lydar information was not as accurate, but FEMA said they wouldn't accept any other data changes.

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Board of Selectmen's representative, Ken Latchaw said there had been 35 letters from property owners asking for removal from the flood plain, but 31 of the properties remained in the flood plain with no rationale, and were told to resubmit their requests.

Mr. Krebs said FEMA requested one correction of a typo where a reference to Zone AE had been omitted, and needed to be corrected. Mr. Krebs agreed that some houses sat up high from water, but were listed as being on FEMA's new flood plain mapping.

Mr. Krebs said he thought that the Board of Selectmen needed to act no later than Jan 19, 2021, or some people wouldn't be able to buy flood insurance if the Board of Selectmen didn't respond quickly.

Board member, Russ Cooke said he understood that FEMA wouldn't allow changes to the mapping at this point, but he wanted to be sure that the Town pursued updates for the future.

*Russ Cooke moved to post notification for the amendment to the Floodplain Ordinance for the 2021 Warrant article. Peter Welch seconded the motion, and all were in favor.*

### A) Discussion on **2021 Zoning Amendment Proposals**

*This item was delayed to discuss the previous item earlier.*

Mr. Krebs passed out amendments for Board members to review.

Chair Hebert advised Board members to mark the former pages as old before replacing them with the new pages.

Mr. Cooke asked that both sides of the sheets be printed next time.

**B) Workforce Housing:** Discussion of expansion to the Workforce Housing Overlay District on State of NH parcels 7-2A (5.01 acres); 7-3 (.84 acres); 7-24 (2.1 acres); 7-25 (7+ acres p/o Hilton State Park); and provisions in adopted ordinance that need minor modifications

Mr. Krebs passed out Tax Map 7 that included the proposed expansion to the Workforce Housing Overlay District. Mr. Krebs said the proposal was a response to the recommendation by Town legal counsel, Attorney Laura Spectrum-Morgan. Mr. Krebs said they had originally talked about adding seven parcels, but had decided on three instead.

Mr. Latchaw stated that the Board of Selectmen had asked the Planning Board to seek a second legal opinion on compliance to the State's Workforce Housing requirements, and informed the Board that he would be voting against the proposal

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because he believed the proposal further compounded the problem with complying to the State law as indicated by Attorney Spectrum-Morgan's letter.

Board member, Chris Cross said the map needed to clarify ownership of the triangular parcel 7-2, and if the Town would keep the ownership. Recording Secretary, Jane Kendall said she believed that Todd Addleman's company had donated the parcel to the Town because it was too small to be any use to him.

Chair Hebert said he wasn't aware that the proposal would include parcel 7-25 near water. Mr. Krebs said it was one parcel, but was divided by Shattuck Way near Great Bay.

Mr. Cross informed the Board that despite what the State had told the Town for the last ten years, they were talking about walking away from any commitment to the General Sullivan Bridge, and that they were considering selling the historic building on Bloody Point privately instead of giving the money to the Town to upgrade the building. Mr. Latchaw agreed that the State was suggesting the sale at Newington's expense because the State was desperate for revenue over the next five years.

Chair Hebert commented that the purpose of planning was for the extended future, and not just for the next 5 years. Mr. Cross agreed, noting that the State still needed to complete the pedestrian bridge, adding that the funding came from turnpike funds, not State funds.

Chair Hebert said he had no problem with the other lots, and though he thought it foolish for the State to sell the upper portion of parcel 7-25, he thought it should be removed from the Workforce Housing Overlay proposal, but kept for transportation planning.

Mr. Cooke said he agreed that parcel 7-25 near the bridge would be difficult to develop.

Mr. Cross wondered why it couldn't be included in the Workforce Housing Overlay District just as the Overlay District included the State owned former drive-in theatre property. Mr. Cross said putting in a force main across the Spaulding Turnpike to get sewer to that portion of parcel 7-25 would be expensive, but it could work if both parcels were purchased.

Mr. Krebs pointed out that the Town had the right to buy the lot from the State, but it was still zoned for office use, and someone could put in an office complex as well. Mr. Krebs added that he didn't think that the Spaulding Turnpike would expand any further in the future, however.

Board member, Peter Welch commented that he hoped the State would come to their senses about selling the property, but he would object to labeling the parcel for future transportation use only.

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Chair Hebert commented that the issue of workforce housing affected Pease and Newington's workforce, but Governor Chris Sununu went to the Federal government instead of working with the towns.

Vice-Chair Mantz said she was still considering whether she wanted to add any more parcels, and Board member, Ben Johnson agreed.

Mr. Cooke agreed that the current Workforce Housing Overlay District was adequate, but he was also fine with adding another area.

Mr. Cross said these parcels would add additional opportunities, but his concern was not to have such a large area where 375 units could be put up at once, and possibly double the residential population.

Vice-Chair Mantz said it made sense, but she was unclear with the potential of what could happen on Pease if it was privatized, and the push for workforce housing goes through. Mr. Cross responded that privatization would only be allowed in certain areas, not the airport or runway where Governor Sununu's group recommended excluding those parcels.

Mr. Cross added that the properties in resource management going up Arboretum Drive to the water tower, between Arboretum Drive and the Town Forest, and to the State owned old drive-in theatre parcel would not be included either.

Chair Hebert said he thought property on both sides of Arboretum Drive going toward the highway from the water tank might be available, but he thought it would be a bad deal for Pease Development Authority (PDA) and Newington.

Chair Hebert said he thought this was a prudent proposal because the parcels included municipal water and sewer.

Mr. Cross added that he didn't see danger in including all the parcels because it would allow development of community in close proximity to the rest of the residential district.

Mr. Johnson commented that his company had done an inquiry on the parcels, and KWA/TWA was asking \$1,000,000 in 30 days, or asking for very long-term leases, so he wasn't sure they were viable lots for workforce housing. Chair Hebert responded that he didn't see a better option.

Mr. Latchaw said this proposal was adding a 49% increase to the Workforce Housing Overlay District when 51% of workforce housing was supposed to be in the Residential Zone, so the Board of Selectmen were not in favor of the proposal.

Mr. Johnson asked who recommended adding another area. Chair Hebert said the Board of Selectmen shared a letter from their legal counsel, Attorney Spector-

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Morgan that said the current Workforce Housing Overlay District was inadequate, so the Board was proposing this addition.

Chair Hebert went on to say that the RSA said that some type of workforce housing had to be in the Residential Zone, but accessory dwelling units (ADU's) could meet that requirement, and multifamily housing didn't have to be in the Residential District.

Mr. Cooke said he had read the RSA, and he didn't see that it said that the majority of workforce housing had to be in the Residential Zone.

*Chris Cross moved to recommend the expansion to the Workforce Housing Overlay District on State of NH parcels 7-2A (5.01 acres); 7-3 (.84 acres); 7-24 (2.1 acres); 7-25 (7+ acres p/o Hilton State Park) that border Nimble Hill Road, Shattuck Way, and the Spaulding Turnpike; and provisions in adopted ordinance that need minor modifications. Russ Cooke seconded the motion.*

Vice-Chair Mantz and Mr. Cooke both agreed that they didn't think that the additional parcels were necessary. Mr. Krebs responded that there would be discussions if it went to a public hearing, but it still might not go forward.

Chair Hebert said the State was saying that their property on the former drive-in site was locked down, but he didn't think they needed all of it, and he also thought that they could put the Department of Transportation (DOT) maintenance garage on Pease too. Mr. Cross said DOT said that they would build the garage in two years, but the Governor could also determine that he wanted to sell the property.

Mr. Cross said the question was if additional information was necessary to consider the requirement and impact.

Chair Hebert said the Board could decide that they didn't want to go forward with the proposal, but he didn't want to overlook it if it was necessary as the New Hampshire Municipal Association agreed with Attorney Spector-Morgan's assertion that the Town needed to provide more feasible locations for workforce housing, and he wanted to be sure that a developer wouldn't go elsewhere in the town.

*The motion passed 6-1 with Ken Latchaw opposing.*

Mr. Krebs said the Board's concerns regarding housing on the Pease Tradeport were valid, but privatization wouldn't happen any time soon because they had a moratorium. Mr. Krebs added that Town counsel, Attorney John Ratigan said that the Planning Board had no authority to zone PDA property, but the Board could say that that no development would occur on any PDA lands until the Town of Newington adopted zoning controls in the event any land under PDA jurisdiction become privatized.

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Chair Hebert noted that the PDA currently came before the Board to discuss any developments.

### **C) Floodplain Ordinance Amendments per FEMA**

*This item was discussed earlier.*

### **II) Old Business: Wilcox Way**

Mr. Krebs informed the Board that there would be a site walk of Wilcox Way following a site walk of the Adams Homestead at 2 p.m. on Tuesday, November 17, 2020 before making a recommendation to the Board of Selectmen.

Mr. Krebs said that they were also proposing a sidewalk, and solar warning lights for a crosswalk to access the former Family Buffet property across the street where they would have temporary parking.

Chair Hebert informed the Board that the Adamas Homestead site walk was a formality to identify the conservation area for the Department of Environmental Services (DES) Aquatic Resource Mitigation (ARM) application as required for Eversource's Seacoast Reliability transmission expansion project mitigation, even though the funds were to be paid directly to the Town anyhow. Mr. Krebs added that the Conservation Commission was set to finalize the purchase of the conservation area with the exclusion of the homestead, and barn.

### **III) Other Business Discussions**

Mr. Krebs announced that a two-lot subdivision on his property on John Newick's property on Fabyan Point Road was on the agenda for the November 30, 2020 meeting, but it was conforming, and he didn't see any reason to have Town engineering consultant, Eric Weinrieb, Principal P.E. with Altus Engineering do a review.

Vice-Chair Mantz said she just wanted to be sure that everything would meet the requirements. Mr. Krebs said it met the form factor, and the utility stubs were already there.

Mr. Cross asked about the septic system, and Mr. Krebs replied that Mr. Newick would have to move the leach field on his lot and comply.

Mr. Krebs also announced that a large subdivision proposal of the Shackford lot would probably be coming before the Board sometime in December 2020.

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**Minutes:**     *Ken Latchaw moved to approve the Minutes for the October 19, 2019 meeting with corrections as noted. Peter Welch seconded, and the motion passed, with Russ Cooke abstaining.*

**Adjournment:**     *Erika Mantz moved to adjourn the meeting. Ken Latchaw seconded the motion and the meeting adjourned at 8:40 p.m.*

**Next Meeting:**     Monday, November 30, 2020

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

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*These Minutes were approved and adopted at the November 30, 2020 Planning Board Meeting.*