

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, May 8, 2023

Call to Order: Chair Denis Hebert called the May 8, 2023, meeting at 6:00 p.m., followed by the pledge of allegiance.

Present: Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Russ Cooke; Ben Johnson; Jim Weiner and Peter Welch; Alternate Board members, Rick Stern; Board of Selectmen's Representative, Bob Blonigen; Town Planner, John Krebs and Jane Kendall, Recorder

Public Guests: Mark Phillips; Rabbi Berel Slavaticki with Seacoast Chabad Jewish Center; Jill Semprini

I) Non-Public Session to discuss a personnel matter under NHRSA 91-A:3.II

Chris Cross moved to go into a non-public session at 6 p.m., Ben Johnson seconded, and Denis Hebert, Ben Johnson, Bob Blonigen Chris Cross, Russ Cooke, Peter Welch, and Jim Weiner all voted in favor.

Peter Welch moved to come out of the non-public session and into public session at 6:25 p.m. Jim Weiner seconded, and the motion passed with Denis Hebert, Chris Cross, Russ Cooke, Bob Blonigen, Peter Welch, and Jim Weiner all voting in favor.

Russ Cooke moved to seal the non-public minutes for 20 years. Peter Welch seconded, and the motion passed with Denis Hebert, Chris Cross, Russ Cooke, Bob Blonigen, Peter Welch, and Jim Weiner all voting in favor.

II) Driveway Permit: Request by Grand View Trust II, LLC regarding property owned by Mark Phillips, located at 50 Welsh Cove Drive, Tax Map 23, Lot 33

This item was delayed to hear the following item first.

V) Election of Officers

Russ Cooke nominated Peter Welch as Planning Board representative to the Zoning Board of Adjustment. Ben Johnson seconded the motion, and all were in favor.

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Jim Weiner nominated Denis Hebert as chair, and Chris Cross as Vice-Chair, and to have Town Planner, John Krebs run meetings in their absence. Bob Blonigen seconded the motion, and all were in favor.

Board of Selectmen's representative, Bob Blonigen left at this point in the meeting at 6:30 p.m. Chair Hebert appointed Alternate Board member, Rick Stern as a voting member in Mr. Blonigen's absence.

Chair Hebert read through meeting procedures, asking applicants and their representatives to state the time needed for their presentation.

Chair Hebert asked Bboard members hold their questions until the presentation was complete, and asked applicants to provide short three-minute comments to the Board after being recognized by the Chair. Chair Hebert asked that members of the public simply say they agreed with previous comments rather than repeat the previous comments.

Board member, Jim Weiner asked that Town Planner, John Krebs inform the Board of the application background before the applicant presents. Chair Hebert responded that the New Hampshire Municipal Association recommended that the application be allowed to speak first unless there were current particulars, as details may change, and to prevent putting the Board in a difficult position, unless there were current particulars.

II) Driveway Permit: Request by Grand View Trust II, LLC regarding property owned by Mark Phillips, located at 50 Welsh Cove Drive, Tax Map 23, Lot 33

Mark Phillips stated that the Board had approved a subdivision at the end of Welch Cove in 1993, and he had recently purchased one vacant lot owned by Marlon Frink. Mr. Phillips said he eventually hoped to build a new home to downsize from his current home on Hodgdon Lane.

Mr. Phillips said the catch basin was on the cul-de-sac at the end of the street, so he wanted a curb cut 30 feet from the catch basin to prevent blocking it.

Mr. Krebs informed the Board that site distance was not a problem, and there were no safety issues.

Mr. Phillips said he would begin by clearing the lot with a bush hog.

Mr. Weiner commented that he might need a wetlands scientist to determine the placement of the drive. Mr. Krebs responded that the wetlands had already been delineated, and the wetlands system was way down.

Mr. Weiner moved to approve the Driveway Permit request by Grand View Trust II, LLC regarding property owned by Mark Phillips, located at 50 Welsh Cove Drive, Tax Map 23, Lot 33as presented. Russ Cooke seconded. all in favor.

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Chair Hebert introduced resident Jill Semprini who was observing the meeting out of interest in serving as an alternate board member. Ms. Semprini stated that she was a Civil Engineer in Dover.

Vice-Chair Cross left at this point in meeting at 6:43 p.m.

III) Change of Use: Request by Seacoast Jewish Education Center from a surgical center to a meeting space at the Beane Farm on Woodbury Avenue

Rabbi Berel Slavaticki with Seacoast Chabad Jewish Center informed the Board that he was returning to discuss a change of use and parking at the Beane Farm.

Rabbi Slavaticki stated that he had provided Mr. Krebs with the square footage for office and medical uses, as well as the square feet for assembly.

Mr. Krebs said the Board had asked for a letter from the fire chief, which was included in their packet, and stated that there was no issue.

Mr. Krebs noted that there were 93 parking spaces on the plan, of which 56 would be available for assembly during business hours, however, an additional 38 would be available during evening and weekend assemblies.

Chair Hebert asked when they expected to expand. Rabbi Slavaticki replied that the 56 spaces during office hours, and an additional 37 spaces were already more than they needed, so it would be a long time.

Rabbi Slavaticki added that two of the office floors were vacant because of staff shortages, even though the tenant still had a lease.

Chair Hebert closed the public hearing.

Ben Johnson moved to approve the request by Seacoast Jewish Education Center from a surgical center to a meeting space at the Beane Farm on Woodbury Avenue. Mr. Weiner seconded the motion, and all were in favor.

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III) Other Business and Discussions:

Mr. Weiner said he wanted to be sure the Planning Board was following correct procedures.

Mr. Weiner said he had been approached by residents asking about topics that he knew nothing about. Mr. Weiner said he thought their discussions should include open items or new issues.

Mr. Weiner said he had an issue with anyone sitting in on Board meetings without special training.

Alternate Board member, Rick Stern asked if any Board members could sit with Mr. Krebs and an applicant. Chair Hebert said they could, but they can't comment on the application. Chair Hebert went on to say that board chairs sometimes sat with applicants when they didn't have a town planner.

Mr. Weiner said Newington's town planner was qualified, and paid to sit in with applicants, and he felt that Board members shouldn't talk with applicants prior to a public meeting.

Chair Hebert stated that he never was alone with applicants. Chair Hebert added that applicants were informed that anything that the Town Planner said to an applicant was non-binding.

Mr. Weiner said it was important to consider public perceptions, and he thought that meetings with applicants should be more formal. Mr. Weiner said he felt that the Board needed to be more transparent to retain the public's trust.

Mr. Stern said he felt that a chair sitting in with an applicant suggested that a chair had more power than the Board. Chair Hebert said he didn't sit with all applicants, and only sat in meetings when the town planner asked him to. Chair Hebert added that he had never been sued as being biased in 27 years either.

Board member, Russ Cooke said he didn't have a problem with the Chair giving a non-binding opinion on the Ordinance, but he did prefer to have the planner give his opinion.

Chair Hebert stated that he didn't advise anyone on anything, and made it clear that any comments were non-binding. Mr. Stern responded that he felt meetings prior to public hearings gave a bias whether he knew it or not because the Chair was hearing about applications before the Board got to hear them.

Mr. Krebs said some interactions happened by chance when the Chair was already in the building when an applicant came in, but there were instances when having the Chair join him in applicant meetings increased meeting efficiency on repeat applications or ongoing topics when the Board already knew some history.

Chair Hebert said he only encouraged potential applicants to come before the Board, and there was nothing inappropriate with meeting applicants with the Town Planner. Mr. Krebs agreed, recalling one case where an applicant was about to drop the

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application because they thought the Board's preliminary discussions were final, and the Chair encouraged them to return.

Mr. Stern suggested that the Town Planner call the Chair, rather than have him meet with applicants in person. Chair Hebert said the comments would be the same, and there was no law disallowing him in Town Hall when applicants were meeting with Mr. Krebs.

Mr. Stern said he brought it up because he didn't know if Board members knew he did that. Chair Hebert replied that he always informed the Board, and had stated that comments outside of a public hearing with the Board were non-binding.

Chair Hebert asked Mr. Krebs how many chairs got involved in meeting applicants. Mr. Krebs said he had worked from Windam, New Hampshire to Kennebunk, Maine, and most towns in the north didn't have planners on staff, so it was not uncommon for a chair to meet with an applicant on complicated issues. Mr. Stern responded that Newington was unique with a large commercial and industrial zone like a city, but with a small population.

Mr. Krebs said he thought complicated projects benefited by meeting with the chair who knew the town's history to increase efficiency and avoid delays. Mr. Krebs said the process worked well, but it was not his to decide. Mr. Krebs said projects were often divided and rotated among board members in another town that he consulted for, but it was nice that Chair Hebert was retired and available.

Board member, Peter Welch agreed that it saved a lot of time when Chair Hebert was asked to sit with an applicant, and could inform the Board before a presentation, and it also helped save the applicant a lot of anguish and time to hear an explanation of the Ordinance. Mr. Welch said the record stands for himself after 25 years of history with no lawsuits. Mr. Weiner said the availability of property was limited, and in high demand, so he thought the Town needed to be diligent to avoid a lawsuit.

Chair Hebert said he understood the concerns, but he had experience as an engineer and contracting officer, and as chair for many years, and he and the Town Planner were careful with legalities to keep the Town from being sued.

Mr. Weiner said he nominated and trusted Chair Hebert, but the world was changing quickly, and asked for a work session to encourage other Board members to weigh.

Chair Hebert said they could put the topic on the agenda for further discussion.

Board member, Ben Johnson announced he was a representative on the Town's PFAS board, and asked for comments before the next meeting.

Minutes: *Peter Welch moved to approve the Minutes for the April 10, 2023, meeting with corrections as noted. Jim Weiner seconded, and all were in favor.*

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Adjournment: *Mr. Welch moved to adjourn the meeting Ben Johnson seconded the motion and the meeting adjourned at 8 p.m.*

Next Meeting: Monday, May 22, 2023

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