

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, June 28, 2021

- Call to Order:** Chair Denis Hebert called the June 28, 2021, meeting at 6:04 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Erika Mantz; Board members: Russ Cooke; Christopher Cross; and Peter Welch; Alternate Board member, Jim Weiner; Board of Selectmen's Representative, Bob Blonigen; Town Planner, John Krebs and Jane Kendall, Recorder
- Absent:** Board member, Ben Johnson; Alternate Board member, Rick Stern
- Public Guests:** Neal and Kristine Hogan; Heather Iworsky with Revision Energy; Brandon Arsenault; Mark Phillips; Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering; Town video recorder, Derrick Wilson

1) Public Hearing: Application for a ground-mounted solar array by Neal and Kristine Hogan to provide solar electric generation for their single family only at 42 Hodgdon Farm Lane, Tax Map 51, Lot 22.

Neal Hogan of Hodgdon Farm Lane said their rooftop was dated and didn't lend itself to roof mounted solar, so they chose a ground-mounted solar array facing the woods to the south. Mr. Hogan said they wanted to use the solar generators to power their house, and possibly an electric vehicle.

Heather Iworsky with Revision Energy said they take a twelve-month history of their client's electric load to determine what the average annual use would be. Ms. Iworsky said they determined that they would need 48 three by six-foot ground panels along the tree line and septic system facing the south behind the applicant's house. Ms. Iworsky said the system caused no glare, and made no noise facing south along tree line and septic system.

Ms. Iworsky said they already received approval for interconnectivity from the utility company so that at any excess electricity that was not used on a hot sunny day, and excess would go to the grid for neighbors, which would lower their electric bills. Ms. Iworsky said the Hogans would also save credits in the evening when the sun went

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down. Ms. Iworsky said they were not using a battery, and noted that few homeowners were set up for off the grid systems.

Ms. Iworsky said their system was UL rated, and installed by licensed electricians.

Ms. Iworsky said she had been with the company for ten years, and had their system in her own home.

Chair Hebert asked about visibility from abutters, and the road. Mr. Hogan said their immediate abutter, Mark Phillips could see some of the system.

Mr. Phillips said he just wanted to be sure that the system stayed along the tree edge, and wasn't moved to the open field where it would be more visible.

Board member, Chris Cross asked what the view from Fabyan Point Road would be after the deciduous leaves fell off. Mr. Hogan said they could see their abutter's sheds, but not the houses on Fabyan Point Road; however, the abutters might be able to see their solar panels if they walked to the back of their property.

Debby Turbide of Hodgdon Farm Lane said she would be concerned if they installed the system on the other side of the pond, but was happy that they were placing the panels on the south side.

Alternate Board member, Jim Weiner said Emery Farm on Route 4 in Durham used nano cellular pockets that looks flat black to avoid reflection for passing drivers. Ms. Iworsly said Revision Energy had installed the system at Emery Farm, and the applicant's system would be similar.

Chair Hebert asked what their usage was, and why they chose that number of panels. Ms. Iworsly said they had done an assessment that included heat pumps, and cooling, and had applied for permits.

Mr. Hogan added that they included a charger for electric cars as well. Mr. Hogan said they would not be using as much oil, so would increase their demand so wanted to be sure they had sufficient coverage.

Chair Hebert said he did the calculations, and questioned the number of watts they would be using. Ms. Iworsly said her colleague quoted the system, and they look at the use over twelve months. Ms. Iworsly said they calculated that they would convert their usage to 21,000 kilowatts a year. the 17.5 kilowatt system.

Mr. Cross asked if the system had any illumination, and Ms. Iworsly said there were not.

Chair Hebert asked if they would agree to conditions to maintain the screening that would go with the property even if they sold it. Mr. Hogan said they had to remove ten trees for placement, however.

Mr. Hogan wondered if there would be any interest in a community solar project. Chair Hebert said it was a wonderful idea in the right place. Mr. Weiner said he didn't see any place for it in town. Chair Hebert said it wouldn't have to be in the residential area, it could even be in another town so long as they belonged to the same utility company.

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Chair Hebert closed the public hearing and opened discussion up to the Board. Conditions of approval were discussed.

Town Planner, John Krebs recommended that they say that no trees shall be removed from the northeast and southerly portions of the lot unless the trees needed to be removed because they were dead or dying, or with the Planning Board's approval. Chair Hebert said they should add that they maintain the trees as well.

Mr. Cross commented that the applicant was meeting the requirement of the condition that the solar panels should have a visual buffer from abutting views, and replacement was under the purview of the building inspector or the Board of Selectmen. Chair Hebert responded that the Planning Board sets conditions, and the Planning Board can also enforce them.

Mr. Cross noted that the applicant complied with the Ordinance and should have gone to the building inspector. Chair Hebert responded that that building inspector referred the applicant to the Planning Board.

Board member, Russ Cooke suggested that the condition of approval say that the solar panels be installed in accordance to the Ordinance. Chair Hebert added that they should add that the condition would be enforceable by the Planning Board.

Mr. Krebs said having an applicant come before the Board was similar to making sure site review regulations were followed, and to protect abutters' interests. Mr. Krebs said that was why he wanted to a condition saying that screening be maintained so there would be no question if the property was sold, or the Ordinance changed.

Mr. Weiner said the condition didn't take the replacement of cut trees into account. Mr. Krebs said he didn't know how they would replace a large tree but agreed that they could require that a tree be replanted.

Mr. Cooke asked if the condition would go in the applicant's deed. Mr. Krebs said it wouldn't be part of deed, but it would go in file.

Chair Hebert said should say they should repl cut trees.

Mr. Krebs said Mr. Phillips would also need to approve as director of the housing association, which would be separate from the Planning Board.

Appl shall maint all tree screens of abutting lots and roadways unless trees were diseased or cutting approved by npb, deadj, and screen to be maint.

Chris Cross moved to approve the application for a ground-mounted solar array by Neal and Kristine Hogan to provide solar electric generation for their single family only at 42 Hodgdon Farm Lane, Tax Map 51, Lot 2 with the following conditions:

- *that the tree planting shall screen the ground-mounted solar array, and*
- *that the trees shall be maintained, and*

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- *that no trees shall be removed from the northeast and southerly portions of the lot unless the trees needed to be removed because they were dead or dying, or with the Planning Board's approval.*

Erika Mantz seconded the motion, and all were in favor.

II) Old/Other Business:

Brandon Arsenault of Fox Point Road appeared before the Board for a preliminary discussion regarding a subdivision of Joe and Paula Ackerley, his in-law's property. Mr. Arsenault said they were not looking to develop sellable lots, but to subdivide the property for the owners' heirs.

Mr. Arsenault said the family was interested in subdividing the property with as little impact as possible to the area that was habitat for deer, turkeys, and monarch butterflies that were dependent on the milkweed growing in the open fields.

Vice-Chair Mantz asked if they were planning on building on the subdivision, and Mr. Arsenault said his in-laws lived on the property, and they intended on demolishing the second house, and rebuild on Lot 2 for their son Scott Ackerley after subdividing to build frontage.

Vice-Chair Mantz asked if the houses were all on one lot currently, and how two houses were on one lot. Mr. Krebs replied that they were built there before the Ordinance. Chair Hebert said currently both residences were owned by the parents, Joe and Paula Ackerley.

Chair Hebert asked why the Ackerleys could not sell the second house as it was. Mr. Arsenault said there would also be issues with demolition and rebuilding outside of the existing footprint.

Mr. Cross asked if they were able to transfer the title of the second house on the lot. Mr. Krebs commented that they might be able to condominiumize the existing house, but knew that wasn't what they wanted as the request for a subdivision also had to do with estate planning. Mr. Cross commented that the Ordinance didn't allow condos on shared lots unless they were connected.

Mr. Arsenault stated that the City of Portsmouth Water Department told them that there was a moratorium against tapping in to the 20-inch low pressure main that was constructed from Durham to Newington. Mr. Arsenault stated that there was no high pressure main on Fox Point, and they would have to connect to main at the corner of Fox Point Road and Little Bay Road, which would create a hardship as it was 2,000 feet away, and would cost \$300,000 to \$400,000 for the water line. Mr. Arsenault said that Portsmouth Water Department had no interest in discussing obtaining closer access to water, but Chair Hebert, Town Planner, John Krebs, Town Administrator, Martha Roy, and the Board of Selectmen were willing to talk with them.

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Mr. Krebs said the line in question was a distribution line, and he was not sure if the solution would be to put in another main, but Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering did a lot of work with the Portsmouth Water Department and was trying to set up a meeting with them that week for resolution. Mr. Krebs said they believed that the City of Portsmouth had an obligation to provide tappable water on all roads in the Town of Newington.

Mr. Arsenault went on to say that he thought it would be improper to be asked to build a road for a subdivision if they couldn't bring water in. Chair Hebert said his concern was that it would take a long time to resolve the water problem and suggested that they return once the water issue was resolved. Mr. Krebs said there might be a problem for Scott Ackerley getting a mortgage for a lot without water.

Mr. Weiner commented that he had tapped into the distribution line and suggested that they try to convince the Portsmouth Water Department to allow them to do the same, and then they could put the water in a pressure holding tank.

Chair Hebert said it appeared that they would only need to move the fire hydrant 600 feet from where it was on Mr. Arsenault's property to the new area. Mr. Arsenault replied that he asked Portsmouth Water Department if he could tap off the hydrant 600 feet away for a hydrant and domestic line and was told that he could not. Chair Hebert said Portsmouth Water Department wouldn't allow Sharon Alley to tap off the water main for her subdivision on Fox Point either. He said she suggested drilling two wells, but they couldn't guarantee the safety of the water, so Portsmouth Water Department finally reached a decision for a new water line, so hydrant there so wouldn't dead end.

Mr. Arsenault went on to say that they were also told that they could put in a private line for a hydrant to the northeast corner of the lot for two minimum sized lots off the cul-de-sac, but they would also be responsible for repairs if the line broke, and he was if easements were allowed.

Board member, Peter Welch noted that Portsmouth Water Department was putting in new line under bay.

Mr. Arsenault said the property owners two houses down had drilled 500-600 feet down, and found salt water, and were told to stop drilling, so he didn't expect wells to be a possibility. Chair Hebert responded that it was sometimes hard to know as one neighbor hit salt water for an irrigation well, and someone else two lots down had a fresh water well for decades.

Discussion continued on the subject of adjusting lot lines, and a potential road ending in a cul-de-sac to bring the lots into compliance.

Mr. Cross asked if the lots would stay in current use. Mr. Arsenault replied that all lots would have to come out of current use because less than 10 acres Mr. Krebs said they could combine lots to keep his lot in current use. Mr. Arsenault said he would, but Lots 4 and 5 would be new lots.

Mr. Arsenault said he considered adjusting the lots to bring the Murphy's lot into further compliance. Mr. Krebs explained that the Murphy's got a variance two years

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earlier to allow 169 feet of frontage where 200 feet was required before the Planning Board approved their subdivision.

Mr. Krebs suggested that they consider moving the Murphy's back lot line closer to Fox Point Road to make straight lines.

Mr. Arsenault added that the Murphys would prefer that they not put the road next to their driveway.

Mr. Arsenault said the shared driveway also led abutter David Knight's property as well, so this new plan would give Mr. Knight more frontage and access to the new road after the shared driveway was removed.

Mr. Krebs asked if Mr. Knight was willing participate with the subdivision. Mr. Arsenault said the start of Mr. Knight's existing drive would be half and half in exchange for 500 feet of road frontage to avoid moving the catch basin that was built by the Town.

Mr. Krebs said he thought that they should extend the road another few feet to keep costs down for future heirs rather than cut into the cul-de-sac in the future. Chair Hebert strongly agreed with planning for the future by extending the cul-de-sac.

Mr. Arsenault asked the Board if they thought the road could be 16 feet wide with the addition of shoulders instead of the required 20 feet for less impact to the lots, and to save pavement costs. Mr. Arsenault said they would have adequate turn around for buses and plows and would be sufficient for fire trucks.

Mr. Cross noted that the 22-foot width requirement was based on New Hampshire Department of Transportation's (DOT) table for expected traffic volume and speed to connecting roads.

Chair Hebert and Mr. Krebs commented that many companies were sending out larger delivery trucks that were having difficulty turning around or backing out of dead-end roads. Mr. Krebs agreed that many subdivision road requirements were from a business model, and roads had gotten wide, but they had to balance the needs of emergency services and road the road crews. Mr. Krebs went on to say that the Board was not trying to be punitive to stifle growth, but they had to treat everyone the same even if the subdivision was intended only for family.

Mr. Cross asked about their plans for utility connection for the subdivision. Mr. Arsenault said Eversource engineers were already reviewing the utility connection. Mr. Arsenault said he knew the Subdivision Regulations required that utility conduits be buried, but they would like consideration to allow the existing power lines to remind in the field for Lot 2 and Lot 3 and provide an easement for the underground burial of a line going to the Thompson's lots. Mr. Arsenault said they would otherwise need to build lines along the new road with two transformers.

Mr. Cross said he didn't see how the Planning Board could change a precedent in the subdivision requirements for an underground utility, except for the existing line from the Ackerleys' to the Lamsons' properties. Mr. Cross added that Eversource required individual shutoff ability on public lines with access from a public road, and the existing lines wouldn't serve that.

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Chair Hebert commented that he understood applicants' concerns with costs, but they would need to show other hardships besides financial costs to waive the regulations. Chair Hebert said changing established standards would change precedents. Mr. Krebs said the Board might consider waiving underground power connections in some cases, but they had to consider the reliability factor for power too.

Mr. Arsenault said the main concern was how to subdivide with the least impact for only two houses that already had water and power feeding to those homes.

Mr. Arsenault said they wanted to move forward with an engineered plan and wanted the Board's feedback before going forward. Mr. Arsenault said he would follow up with an email but expected to submit an application in the next couple of weeks.

II) Other Business: Capital Improvements Plan: Update on

Mr. Krebs passed out a draft contract to do the Capital Improvements Plan (CIP) for the Board to review and said he would like to get it done by mid-October.

Mr. Krebs said the Planning Board also had the authority to create a committee as well as delegate the task. Mr. Krebs said he didn't like committees because boards often took issue with what committees did on their own, and didn't approve the work, but said he would probably bring in someone from the Board of Selectmen and Budget Committee to work with him.

Mr. Blonigan said the fire house was probably the building in most need, so they were doing an engineering study to determine what was needed. Mr. Krebs asked if renovations this year was a stop gap, and Mr. Blonigan said it probably was. Mr. Krebs responded that he thought that the firehouse study would probably take more time, and wouldn't be ready by fall, but they could plug the study in later.

Chair Hebert said he thought the study would probably cost \$25,000.

Chair Hebert went on to say that he thought that department vehicles should be part of their budget. Mr. Krebs agreed that they were not capital improvement expenditures.

Chair Hebert suggested that they schedule four CIP meetings up to December at the latest.

Mr. Cooke said he had been on the Budget Committee and hoped for a workable solution to keep the tax rate flat. Mr. Krebs said there were two schools of thought with some saying they didn't want to set their money aside for expenditures in case they weren't around for them, and others that didn't want to finance future expenditures as they came up.

Mr. Cooke said he didn't want to see warrant articles for things that should be on the CIP. Mr. Krebs said some things were warrant articles because they didn't meet CIP criteria.

Mr. Cross said he thought that even though the Board of Selectmen held the budget at 3%, taxes increased because of warrant articles and the CIP gets wiped out.

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Mr. Blonigan said that the biggest increases in taxes were driven by State mandates. Mr. Cross agreed that Statewide property taxes doubled at one point, but then they went away without property taxes going down.

Mr. Cross said spending continued without anyone watching, and he hoped to see some milestones in the CIP of what would be accomplished. Mr. Cross said he wanted to see 75% of the work completed at the midpoint, and then the final approval would go before the town.

Mr. Cross went on to say that the CIP was a basis for impact fees, but little was done with impact fees because Newington was a small town, so he hoped to see the budget committee utilizing it.

Mr. Krebs said the process could be eye opening, or it might only be used as a road map for the next five to ten years. Mr. Krebs said CIPs were a bigger thing in larger towns, but Newington was unique as it didn't hold loans, and most things were insured if anything happened,

Chair Hebert said Mr. Krebs had done many CIPs for Rockingham Planning Commission, and as a planner for other towns, and he had confidence that Mr. Krebs would do an excellent job.

III) Additional Discussions

Chair Hebert said he and Mr. Krebs had a brief discussion on improving the process of Board meetings, and member participation.

Chair Hebert said he realized that there were more engineers on the Board, but he thought everyone had value in bringing something different to the Board.

Mr. Krebs said he thought that preparation by Board members was important.

Vice-Chair Mantz said she didn't think quiet always meant someone was not prepared. Vice-Chair Mantz said she would like to see more efficiency in meetings with less repetition.

Mr. Cross suggested that they hold a work session to go through the regulations to avoid pitfalls, and to help applicants get more value out of their properties in accordance with the Ordinance,

Mr. Cross said he understood that board needs to move along.

Mr. Welch said he liked Mr. Krebs's input before they meetings that helped save time in their reviews. Mr. Krebs said he was always happy to answer any questions that Board members might have.

Minutes: *Russ Cooke moved to approve the Minutes for the June 14, 2021, site walk meeting with corrections as noted. Erika Mantz seconded, and all were in favor.*

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Russ Cooke moved to approve the Minutes for the June 14, 2021 meeting with corrections as noted. Chris Cross seconded, and all were in favor.

Adjournment: *Chris Cross moved to adjourn the meeting. Russ Cooke seconded the motion and the meeting adjourned at 8:40 p.m.*

Next Meeting: Monday, July 12, 2021, Work Session
Monday, July 26, 2021, Regular Meeting

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the July 12, 2021 Planning Board meeting.