

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, August 31, 2020

Call to Order: Chair Denis Hebert called the outdoor August 31, 2020 meeting at 5:30 p.m., followed by the pledge of allegiance.

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

Absent: Vice-Chair Erika Mantz; Alternate Board member, Rick Stern

Public Guests: Jack O'Reilly, Derek Wilson, Mark Phillips

Minutes: *Chris Cross moved to approve the Minutes for the July 27, 2019 meeting with corrections as noted. Peter Welch seconded, and all were in favor.*

Jim Weiner moved to approve the Minutes for the August 10, 2019 meeting with corrections as noted. Peter Welch seconded, and all were in favor.

I) New Business:

A) Discuss DRAFT changes to the **Subdivision Regulations** to clarify **dead-end road length**, and modify the language which requires **utility conduits** to be encased in concrete by changing to flowable fill

Chair Hebert said that Town Planner, John Krebs had been working on updating the regulations since February or March 2020.

Mr. Krebs pointed out that there was no specificity on how to measure dead end roads in Section 5, Road Standards of the Subdivision Regulations so he suggested that the measurement of 1,500 feet begin at the furthest end of the cul-de-sac, which was reasonable considering that most towns in the Seacoast listed a maximum of 1,200 feet.

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Mr. Krebs said that he would also change the filling of conduits from concrete to flowable fill.

Board of Selectmen's representative, Ken Latchaw wondered if they should clarify that the starting point was from the street if there was a loop. Mr. Krebs responded that Gundalow Landing was a giant loop with Brickyard Way going off, and that would satisfy cul-de-sac length.

Board member, Ben Johnson suggested that the 1,500 start at the beginning of the road to the end regardless of a loop or not. Chair Hebert added that they could say the measurement begin at the edge of pavement to the furthest point of cul-de-sac.

Jack O'Reilly of Fox Point Extension asked how 1,500 feet would be measured on a curved or straight road, and Chair Hebert replied that the measurement would be along the center line.

Chair Hebert said they should follow up with the Town road agent with a recommendation that the shape of cul-de-sacs be changed to a teardrop like Hannah Lane so that snowplows could clear snow better. Board member, Chris Cross suggested including a diagram for the minimum size.

Board member, Russ Cooke commented that a tree fell and blocked Hannah Lane during a windstorm earlier in the month, and that developments on dead-end streets were inherently less safe than roads with two entrances and exists. Chair Hebert noted that he was aware that several towns encountered the development of long roads with only three houses, and wondered if the Town should consider an ordinance for shorter cul-de-sacs for smaller developments the way towns did up north. Mr. Krebs added that the Ordinance called for 200 linear feet of frontage on a public road, but he thought 500 feet would be fine. Mr. Krebs went on to say that they could also set a property valuation of fewer houses in a multi-lot subdivision to offset the road maintenance costs.

Mr. Cross responded that a property owner had the right to develop so long as they complied with the ordinance, just as people had built farms on large parcels. Chair Hebert responded that his concern was not with homes on large lots, but with the expense of maintaining long public roads for only a single house. Mr. Krebs added that if an approved larger development was stalled because of financial issues like a recession, and a developer only built completed a couple of lots a couple lots, the Town could reject accepting the road until the rest of the development was complete.

Mark Phillips with Rollins Farm, LLC commented that developers only put a base coat down until all the building was done to avoid construction damage.

Mr. Krebs asked if it was fair to expect a town to upkeep a road if only two houses were built on a 1,200-foot road. Mr. Phillips said he thought it was fair, and the Town had to maintain a road if the road was built to Town specifications. Mr. Krebs responded that it would be up to the Board of Selectmen to determine if they wanted to accept a road or not.

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Chair Hebert noted that Swan Island Lane only had one house for a long time, and the problem was that someone could build a 1,000-foot-long road to Town specifications because they didn't want to maintain their long driveway.

Mr. Cooke said he was concerned that a tax paying property owner might have an issue with a lack of access to municipal services like mail, trash pickup, and plowing if they lived on a private road.

Board member, Peter Welch noted that the last line said that the angle of intersection shall be rounded to a 30-foot radius, and not the right-of-way lines. Discussion on right-of-way's and radius ensued. Mr. Krebs commented that there were many pre-existing right-of-way's that were less than 50 feet that wouldn't comply, and others that might require waivers.

Mr. Krebs informed the Board that he would write up the changes, and bring them to the next meeting.

(Jack O'Reilly left at this point in the meeting around 6 p.m.)

B) Discuss minor changes to the **Site Plan Regulations** identified by the Town engineering consultant and Town Planner

Mr. Krebs informed the Board that he Chair Hebert whittled down his and Town engineering consultant, Eric Weinrieb's comments with the intent the intent was to clarify and clean up the regulations, without changing every regulation.

The Board discussed updates and glare and intensity standards on LED lighting, updating acronyms like Best Management Practices (BMP's), New Hampshire Department of Environmental Services (DES) and New Hampshire Department of Transportation (DOT), replace SHIPO with NH Historic Resources, removal of out of date document and link references, the removal of oiling on gravel parking, update scale from 1" to standard 20 scale, update professional titles required for review, remove costs and fees, and replace with "see fee schedule", and change "water and sewer" to "all utilities".

The Board also discussed the meaning of bonds to specify restoration of site, and cost of completion. Mr. Krebs stated that the original intent was started in the 1990's after the economic collapse of the late 1980's when many commercial and residential projects had been left incomplete, but he was not sure if it was an issue anymore because the bulk of most projects required sound financing now. Mr. Weiner suggested focusing on the core costs for completion. Mr. Krebs said they might consider the cost of removing an unfinished foundation, and reseeding a construction area. Discussion ensued regarding cash backing for bonds, and Mr. Krebs said many developers would have financing instead of cash. Chair Hebert said he thought the bond should be set according to legal counsel.

Mr. Cooke suggested that they add the cost of retrieving the bond. Chair Hebert said the bonds company would hire someone to negotiate finishing project.

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Chair Hebert suggested that the regulations specify that no lot shall be sold until the road was developed. Mr. Krebs responded that the law had changed so that roads could be bonded or built. Chair Hebert commented that bonding companies were fighting towns because buyers believed road would be built so they could build on their lot.

(Derek Wilson of Coleman Drive arrived at 6:30 p.m. at this point in the meeting.)

After a brief discussion regarding depressions, and planting mediums in large parking lots, Mr. Cross suggested that the item be deleted because it was never required. It was also decided that porous pavement was not durable, and shouldn't be encouraged.

Discussion ensued regarding the removal of invasive plants from sites. Mr. Krebs suggested that it was asking a lot of some sites, and suggested that it be clarified to include the developed area. Alternate Conservation Commissioner, Jane Kendall agreed that there were cases of development in larger tracts and do not disturb wetlands buffers where it would be difficult to access. Chair Hebert talked about waiving when necessary.

Derek Wilson of Coleman Drive asked if the Town had any regulations restricting the planting of invasive plants, such as poison parsnip. Ms. Kendall commented that the Department of Agriculture sent out lists to nurseries of invasive species that were prohibited from sales. Chair Hebert added that the laws said they couldn't be sold or transplanted. Mr. Wilson asked if the Town could require property owners to remove these plants if found, and Mr. Weiner replied that that might be because pushing property rights, but the Town could consider a warrant article to prevent plantings.

(Mark Phillips left at 6:50 p.m. at this point in the meeting.)

II) Additional Discussions:

A) Rockingham Planning Commission Appointments

Chair Hebert and Mr. Latchaw continued discussions regarding Newington's representative appointments to Rockingham Planning Commission (RPC) after the Board had asked the Board of Selectmen to reappoint Mr. Cross, and told that they would not.

Mr. Latchaw stated that the Board could nominate anyone in town, and that it didn't need to be a Planning Board member. Chair Hebert asked for clarification as to why the Board of Selectmen would not reappoint Mr. Cross who had been a representative for over 23 years.

Mr. Latchaw responded that he didn't feel comfortable speaking on behalf of the other two selectmen, and suggested that Board members attend a Board of Selectmen's meeting for further discussion on the subject. Mr. Weiner commented that

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it was his understanding that any representative speaking to another board was expressing their own understanding, and were not speaking or voting on behalf of their own board. Mr. Latchaw said he understood that, but that he didn't think it right for him to speak for other the Board of Selectmen.

Mr. Weiner said he had heard that Mr. Cross had made comments on the safety lane at the March 2020 Town meeting that were questioned, but Mr. Weiner said that he thought Mr. Cross relayed his experience from the RPC objectively, so he didn't understand why the Board of Selectmen wouldn't stand behind the Planning Board's nomination.

Chair Hebert stated that he had read the March 2020 Town Meeting minutes, and hadn't found any negative statements from Mr. Cross except for facts that were relayed. Mr. Latchaw responded that Mr. Cross had said that approving funds to match a grant was premature. Mr. Cross said even if the safety lane was approved, it was premature because the grant hadn't been received, so the Town couldn't spend the matching \$140,000 because the budget had already been allocated. Chair Hebert added that the funds wouldn't be spent until the grant had been received. Chair Hebert said Town Administrator, Martha Roy told him that the survey and design were coming out of existing funds, and not out of the \$140,000 request.

Mr. Latchaw stated that the vote didn't have to go to budget because it was only for engineering, not construction. Mr. Cooke said it was his understanding that the \$140,000 was for grant and funds would be returned, but he did think that it was irregular to ask for that much at the last minute at a Town Meeting. Mr. Latchaw responded that it had just come up at the Town Meeting, and it was a legitimate request that had been voted on.

Chair Hebert said it bothered him that Mr. Cross had not been informed that his appointment hadn't been renewed until he went to the RPC meeting, and he had never been thanked for his years of work. Mr. Latchaw replied that it was unfortunate. Mr. Cross stated that the Board of Selectmen weren't familiar with the RSA and procedure that commissioners were nominated by boards before being appointed by the Board of Selectmen before they sent their letter to the RPC. Chair Hebert added that Mr. Cross was owed a better explanation by the Board of Selectmen as to why they were not reappointing him, and invited the Board of Selectmen to the next Planning Board meeting to discuss the appointment of the RPC representative.

Mr. Cooke said the Board of Selectmen had issued a terse response, but wondered if anyone else would be interested in being the RPC representative, and said he would prefer that the RPC representative be a member of the Planning Board. Mr. Weiner agreed, and said he thought that Mr. Cross was the best representative who had been trying to get the safety lane going for years.

Chair Hebert asked for a show of hands in support of nominating Mr. Cross as representative to the RPC, and all raised their hands in favor.

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B) Workforce Housing

Chair Hebert asked Mr. Latchaw why the Board of Selectmen had presented a memorandum regarding workforce housing at the last Planning Board meeting, and Mr. Latchaw replied that the Board of Selectmen wanted to open further discussions because they were concerned with the Workforce Housing Overlay District Ordinance.

Adjournment: *Russ Cooke moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 7:30 p.m.*

Next Meeting: Monday, September 21, 2020

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the September 21, 2020 Planning Board Meeting.