

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

Call to Order: Chair Denis Hebert called the November 16, 2015 meeting at 6:30 PM.

Present: Vice-Chair Chris Cross; Jack Pare; Mark Phillips; Jim Weiner; Alternate Member, Ken Latchlaw; Board of Selectmen Representative, Rick Stern (arrived later); Interim Planner, Jerry Coogan and Jane Kendall, Recorder

Absent: Bernie Christopher; Thomas Morgan, Town Planner

Public Guests: Attorney John Ratigan; Jim Teetzle with Wilcox Industries; William Gregsak with Gregsak Engineering; John Bernier with Bernier Corporation; Mr. Frink Frink; John Liastis; Lulu Pickering; Justin Richardson

- 1) **Public Hearings:** Proposal by Wilcox Industries to expand its manufacturing plant at 25 Piscataqua Drive, Tax Map 27, Lot 22.

Jim Teetzle with Wilcox Industries appeared before the Board with the latest changes to their plans to add a parking garage to their facility. Mr. Teetzle said they redesigned the drainage plan, redesigned the power poles, and removed the 55-year-old water main to extend the firing range and relocated it to tie in with Tycom's water main. He said they also had some last minute changes moving the chambers around because there was an issue with the gas main, but the size of the chambers remained the same as had been previously approved.

Mr. Teetzle said they had exhausted all possibilities of purchasing adjoining properties and were trying to maximize the space available to them. He said they had 60,000 square feet of manufacturing space and were running out of ground space for the heavy CNC machinery.

Mr. Teetzle said they were currently finishing another addition for the crow's nest that was approved last year to calibrate celestial cameras and laser range products. He said they would need two to three more months for the engineers to finish the plans, and get quotes in so it would be about five to six more months before they could start building and a year to finish so timing was important.

Bill Gregsak with Gregsak Engineering said the garage proposal was for 284 spaces, gaining 50 from what was approved in 2014. He said they didn't have full details of the parking garage yet because they had not determined the placement of the chambers around the footing as yet. Mr. Teetzle noted that the footprint and impervious surfaces wouldn't change. He said they were proposing a large radius so the chambers

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

could be installed, but they couldn't say what the design would look like because they would have to work around the footings.

Chair Hebert said the Technical Review Committee (TRC) met and Town engineering consultant, Altus Engineering had received a complete set of plans and brought up several issues, including the AOT, but it would not be an issue if they kept the same footprint. However, the Fire Chief said they wanted to be sure fire apparatus could get in and to provide a letter. Mr. Gregsak said the height of the parking garage was designed for trucks to go under as they looped around the building. Mr. Teetzle added that the sprinklers systems would be inspected by the fire department.

Interim planner, Jerry Coogan said they still needed an update of the drainage analysis to show the stormwater detention pond was still adequate and confirmation for water and sewer. He said they also needed Eversource to verify approval of the right-of-way and relocation of the power pole. Mr. Teetzle said Portsmouth Water Department and Tycom had approved plans. He said Eversource would be closing on the easement, and they would send an email confirmation. Mr. Gregsak said plans were submitted to Town Planner, Tom Morgan and the location of detention areas were changed recently because of the gas lines. He said they would register the plans with Rockingham County Registry of Deeds.

Vice-Chair Cross asked about approval of the overhead electric lines and Mr. Teetzle said Eversource was aware of their plans and they had a waiver for the parking lot and guard shack in their easement. Chair Hebert said he was concerned with how low the lines were and if they would be in contact with construction cranes. Mr. Teetzle didn't think that would be likely. Vice-Chair Chris Cross said he would like acknowledgement by Eversource that they are aware of the hazard. Marlon Frink of Little Bay Road said OSHA establishes the distance of cranes from power lines.

Mr. Teetzle said they would still need to do one more scrub of the plans once structural engineering of site was done so he suggested a conditional approval. Chair Hebert said Altus Engineering reviewed the plans and said they would be okay with a conditional approval, but Mr. Coogan recommended that Altus give another review before the Board granted a final approval. Mr. Teetzle said they were hoping to make a short list for the structural engineering work and they didn't want to spend up to \$65,000 on a design and find out there was insurmountable. Chair Hebert said the Board needed to determine if the plans were substantially complete.

Jack Pare moved that the proposal by Wilcox Industries to expand its manufacturing plant at 25 Piscataqua Drive, Tax Map 27, Lot 22 be accepted as substantially complete. Jim Weiner seconded the motion and all were in favor.

Chair Hebert opened the public hearing.

Chair Hebert said he had asked Mr. Coogan to put together conditions of approval, which were passed out and discussion ensued on each item.

Chair Hebert asked if the poles were moved and Mr. Teetzle said they had all the primary poles had been moved except the last pole couldn't be touched until the dredge

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

and fill permit was approved. Mr. Coogan said it was still too close to the parking garage.

Chair Hebert said he still hadn't seen the drainage analysis, which couldn't be done until the final design was complete. Mr. Teetzle said everything on the list was available except the drainage and asked for a conditional approval with the exception of the drainage plan.

Discussion ensued regarding whether to continue the hearing to the following week. Mr. Teetzle said he would be out of the country until the following week and would not be able to attend the meeting, but he would accept waiting another week so long as the Board understood that the full plans would not be complete until they determined how the chambers would be placed around the footings.

Vice-Chair Cross said he was ready to approve. Mr. Weiner said the plan seemed reasonable, but he still wanted them to return the following week after Altus Engineering had an opportunity to review the plans. Alternate Board member, Ken Latchlaw said he thought they could make a conditional approval during this meeting because nothing was going to change over the next week. Mr. Pare agreed with what was available, but said the Board still needed to work with the tech review process. Board member, Mark Phillips said he was still concerned with stabilization and Chair Hebert agreed that AoT was not necessary. Mr. Coogan replied that the applicant and the engineers could present materials to Altus and the Board could make a motion for conditional approval.

Board counsel, Attorney John Ratigan said the Board was under a lot of pressure to make sure all the questions Altus Engineering raised were captured in a motion, but they could be consolidated.

Jim Weiner moved to approve the proposal by Wilcox Industries to expand its manufacturing plant at 25 Piscataqua Drive, Tax Map 27, Lot 22, subject to the completion of structural engineering plans and a drainage system design followed by satisfactory comment by Town engineering. Jack Pare seconded the motion.

Chair Hebert recommended adding that the approval would be at the applicant's risk if they were unable to come to terms.

Mr. Teetzle agreed and Jim Weiner moved the recommendation, Jack Pare seconded the recommendation and all were in favor.

B) Proposed amendments to the Zoning Ordinance

Mr. Coogan said the Board had been working on Zoning Ordinance on housekeeping clarifications, RSA and Statute updates over several months, as well as simplifying the wording in Article 1, Article 3 updating definitions of accessory apartments, Bed and Breakfasts (B&B's), and junkyards under Article 2. He said they deleted uses that were prohibited because planning law in New Hampshire allowed that uses not listed would be considered prohibited.

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

Mr. Coogan said there were other items that the Board determined needed warrant articles for additional amendments, such as limiting accessory apartments to 750 square feet, which would address the State's mandate for Work Force Housing. Chair Hebert said multi-complex apartments were not allowed in town, but duplexes could potentially be counted toward Work Force Housing as well, but upland dimensions, septic requirements and wetlands setbacks would have to be met for newly built duplexes.

(Board of Selectmen Representative, Rick Stern arrived at this point of the meeting at 7:30 p.m.)

Lulu Pickering of Little Bay Road said Tom Hourihan of Nimble Hill Road went through litigation and the court decided that he could only have two apartments and not three. She said Newington already had 70 apartments in town and asked why it was necessary to make an amendment on accessory apartments.

Mr. Coogan replied that even if there were accessory apartments in town, they were not listed in the Zoning Ordinance. Chair Hebert said many existing apartments were grand fathered, but the Board was creating a legal definition going forward. Ms. Pickering said the town had not had Work Force Housing since Pease Air Force Base closed and asked where the 750 square feet had come from considering Portsmouth had micro-apartments that were 600 square feet. Mr. Coogan replied that the proposed legislation recommended 750 square feet as a minimum. Chair Hebert said the Board decided on 750 square feet because the Town already allowed larger duplexes.

Ms. Pickering said Newington needed Work Force Housing, but 750 square feet seemed arbitrary and the new proposal would restrict her from creating an 800 square foot accessory apartment to her farmhouse. She said it would also prevent a resident from splitting their upper and lower floors into separate dwellings as well.

Chair Hebert said with lot prices being so high, an accessory apartment was intended to go with single family residences, would share a common wall and septic system, and could be used as an in-law apartment or for as affordable Work Force Housing. He said the Board had to set a limit for the size and anything larger could be considered a duplex that could be condo-ized and owned by separate groups.

Marlon Frink of Little Bay Road said a two-family occupancy had to go before the building inspector to be sure the septic system was adequate, but an accessory apartment had not been clearly defined with checks and balances. Chair Hebert said an adequate septic system would still need to handle an accessory apartment, but a duplex would require two septic systems and additional uplands.

Mr. Frink said he did not think 750 square feet was adequate for two bedrooms and it restricted homeowners from converting their given living spaces, such as a completed basement that might be larger. Mr. Pare said larger spaces would defeat the intent for Work Force Housing. Mr. Frink replied that some accessory apartments might be used for in-law apartments instead of for Work Force Housing. He said it was not appropriate to have size dictated by septic systems or vice versa.

Chair Hebert said the Board was responding to upcoming requirements for affordable housing and concerns with duplex developments that were listed for \$600,000 and would not be affordable for Work Force Housing. Mr. Frink said the

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

Ordinance needed to provide affordable housing without limiting size. John Liastis of Nimble Hill Road agreed that the average apartment was larger than 750 square feet in most towns. He suggested allowing three to four dwelling housing units to address the problem. Chair Hebert said 750 square feet fit the minimum range required by the State and the Board didn't want multiplexes in town. Vice-Chair Cross said three 10' x 10' bedrooms and a 10' x 10' kitchen, a living room and a bathroom could fit in a 750 square foot apartment. Mr. Liastis replied that 200 years ago a whole family lived in one room, but most people these days wanted more living space.

Mr. Frink asked if 750 square feet was defensible for Work Force Housing and Attorney Ratigan said it depended on the rent. He said Work Force Housing suggests a working wage and is measured on availability of affordable rents. He said in some places the rents could be too high so the State established a minimum. He said land in the area was expensive, but the Town of Exeter created incentives for State loans to affordable rentals and home sales, but restricted resale to a modest depreciation.

Chair Hebert asked Mr. Frink what square footage he recommended and Mr. Frink said it would depend on the size of the septic system. He said he was talking about converting existing homes and not looking to create attached duplexes on one lot.

Ms. Pickering said it sounded like the Board was worried about meeting the requirement for Work Force Housing, but putting in a maximum of 750 square feet would discriminate against middle class property owners who might want to create separate dwellings for family members and didn't have enough money for larger septic systems. Chair Hebert said accessory and in-law apartments of 750 square feet were designed to use the same septic and water systems. Ms. Pickering said if she wanted to split her house into a two family dwelling with 1,100 in one section and 1,500 in the other, then she would want to do it in the most cost effective way. Chair Hebert said that would meet the definition of a duplex. Ms. Pickering said it would be challenging for a property owner to pay their mortgage and taxes with Work Force Housing rent rates.

Mr. Phillips said Work Force Housing was not defined by square feet, but by 50% to 60% of median family income, which might be an income of \$30,000 a year at 50%, bringing a rental to about \$750 a month with utilities. Mr. Liastis said rent was higher than that even in Rochester.

Mr. Coogan went on to discuss the definition and requirements for a Bed and Breakfast. Chair Hebert said the intent was to limit the number of guests moving in and out. Ms. Pickering said home occupied businesses were already allowed, but someone had said in the minutes from a previous meeting that they were against home businesses. She said reducing the number of guests from eight to four would not be profitable and she didn't think the Board should alter the Ordinance to take away existing property rights. Attorney Ratigan clarified that the Bed and Breakfasts were currently not permitted at all. Ms. Pickering said she still thought it was a middle class issue, and not up to the 1% to impact anyone who wanted to run a small business. Mr. Pare said allowing eight guests would require a nine to ten bedroom house and he doubted that many middle class residents had a house that size. Ms. Pickering said it wasn't just a matter of what a property was worth, but also a homeowner's income. She

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

said someone might have a large enough house or property and were looking for ways to increase their income.

Mr. Weiner said a Bed and Breakfast would turn the residential area into a business area. Ms. Pickering replied that a homeowner had to live in the residential district so a Bed and Breakfast couldn't be anywhere else.

Mr. Stern asked Mr. Frink if he thought a neighboring Bed and Breakfast would affect the value of his house. Mr. Frink replied that he might not be pleased, but he imagined it would be done tastefully if it was allowed and he was surprised that no one in town had ever tried it before. Ms. Pickering said the Pickering House in Greenland was very tasteful and she didn't see how a B&B would be a detraction.

Chair Hebert commented that he had been on the Board for twenty years and no had ever appeared to question Zoning Ordinance changes before. He wondered if someone had contacted members of the public who were present. Ms. Pickering said she followed the Board Minutes and always published Ordinance changes in her "Newington Neighbor" publication, but she had not received any information to share with voting residents that would be affected by changes. Mr. Phillips replied that the Board was trying to get the changes into a form that could be sent to "The Newington Neighbor".

Mr. Frink said he was there to discuss his concern for the wetland setbacks, but the purpose of a public hearing was to take public comment. He said there should be a basis and documentation for every decision that could affect the value of people's property to address legal challenges.

Vice-Chair Cross said there was a dilemma for a number of longtime residents, but they were also new developments that came in with large, 4,500 square foot, two-family condominiums that were worth half a million dollars, that could become a trend and change the character of the town. He said the Board was trying to establish ordinances that would apply to a wider range of residents.

Ms. Pickering said she published the sales prices of houses in the last "Newington Neighbor" and the town needed people moving in for a sustainable community. She said most people wanted to get the maximum value out of their property and the Board shouldn't create restrictions.

Chair Hebert said the State was mandating Work Force Housing Bill 146, but anyone could write to his or her representative to try to stop it. Ms. Pickering said there used to be a trailer park on Pease Air Force Base and they were lucky the State wasn't mandating cluster developments. Chair Hebert said that was why the Board was trying to accommodate Work Force Housing with accessory apartments.

Chair Hebert opened discussion on changes to the wetlands setbacks.

Mr. Coogan said Mr. Morgan made the recommendation to eliminate the term "contiguous" so there would be just one setback regulation for wetlands that would agree with recommendations by the Town wetlands consultant and a UNH study. Chair Hebert added that Mr. Morgan was trying to remove the relation to surface water to avoid debates over contiguous and surface water definitions.

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

Mr. Frink asked for a definition of prime wetlands and Mr. Coogan said the definition was in the Army Corp of Engineers' Manual and Mr. Pare added that the jurisdictional definition by Town wetlands consultant, Mark West was already voted on.

Mr. Liastis commented that exceeding State regulations and eliminating variables would create a hardship. Mr. Liastis said including vernal pools in the setback would cause loss of lot area, leaving little buildable area. Mr. Liastis said people purchased properties as a long-term investment and changes to the Ordinance would take that away.

Chair Hebert ask Mr. Liastis if he had an application before the Board and Mr. Liastis said he had a 5-lot subdivision proposal he was going to present.

Mr. Frink said he owned a 3-1/2 acre lot with a man-made pond, 100 feet from the shoreline on Welch Cove that was approved by the State. He said there was a stream on one side and he was concerned that the proposed regulation would limit space for a house and septic. He said property owners would be going to the Board of Selectmen to reassess properties and that information should be sent out to residents to help them understand the rationale and document the basis should there be a legal challenge.

Mr. Pare said much of the good land in town had been built on already and the Board was seeing more and more proposals from developers to building on marginal land within the nearest inch of wetlands, taking half stumps for drives and leaving the other half for wetland boundaries to get most financial return out of the lots. He said the Board was applying standards everyone in an attempt to defend the Town so there wouldn't be duplexes with foundations in swamps, ten feet from wetlands out their back door. He added that anyone could vote against the proposals if they didn't like them.

Mr. Weiner agreed on behalf of the Conservation Commission that supported the proposal to protect existing wetlands. He agreed that the change could have an impact on some development, but he thought it would be the exception rather than rule and anyone was entitled to request relief from the Zoning Board of Adjustment if they felt unjustly served.

Ms. Pickering said there was still a lot of land in Newington to be developed and she thought extending the wetlands setback from 50 feet to 100 feet would be a taking by being overly conservative with wetlands buffer setbacks. She added that some properties, including her own across the street from the Transfer Station, used to be dry farmland, with a gradual slope; but after trees were cut and the cemetery was extended, water poured across the road onto her property, which was now five feet below road level. She said the Town was not maintaining the roads and her stonewall was now below Little Bay Road.

Vice-Chair Cross acknowledged that the Town did cut trees down for the Transfer Station and for gravel for the Fox Run Mall development, but he added that it was not just the Town that cut trees, but also neighbors, the State and Pease Development Authority.

Chair Hebert added that most roads in town were originally cow paths with little right-of-way on either side so it was not possible to fix without owning an easement. Ms. Pickering agreed that all property owners owned to the middle of roads until Pease Air

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

Force Base took over all the roads without compensation and then the property owners turned the road property over to the Town and Pease didn't compensate for the Town for taking the roads by eminent domain either.

Chair Hebert said the proposal was recommended by Mr. Morgan and he thought it was intended to address development around marginal lands to deal with debates on wetlands and soil definitions, but he was not in agreement because it would double the setback area, especially around a pond.

Chair Hebert said he thought increasing uplands from 30,000 square feet for a single family dwelling to 60,000 square feet for a duplex was a better solution.

Vice-Chair Cross pointed out that the change from 5,000 to 3,000 feet was a State regulation and Chair Hebert noted that that change was also recommended by Mr. Morgan.

Mr. Frink asked for clarification on the 120,000 square foot proposal and Chair Hebert explained that was for the lot size, and the 60,000 square feet of uplands would be a requirement for duplexes with two families that would double the impact on the land and require two septic systems with two reserved back up areas and livable space on dry land. Mr. Frink commented that the Board should document a basis for the changes. Vice-Chair Cross said the basis was for septic requirements to be consistent with the county's requirement for two acre zoning and a septic with a double load was appropriate.

Mr. Latchlaw commented that the setback still wouldn't be enough if the slope of the land wasn't taken into account because uplands could have a 50 foot or a 3 foot drop and need consideration for runoff going back into the ground. Chair Hebert said that he wasn't talking slopes at this point and Mr. Latchlaw replied that the point was that there was a chance for absorption if the ground was level, but water would run into the wetlands if there were a 60-degree slope. Chair Hebert replied that they could address that in another ordinance. Mr. Frink commented that there used to be requirements for proper drainage and Mr. Coogan said that would be in the Subdivision Regulations.

Mr. Coogan said the Board could delete #10 and increase uplands for duplexes from 45,000 square feet to 60,000 square feet. Chair Hebert agreed to withdraw the proposal to increase the wetlands setback and Mr. Pare agreed as well.

Mr. Weiner said the Conservation Commission was pleased to see an increase of the wetlands setback from 50 feet to 100 feet, but he would be just as happy to see it go from 50 feet to 75 feet. Chair Hebert replied that increasing the uplands requirement for duplexes would resolve the issue.

Mr. Weiner wondered if they could also increase frontage for duplexes by 50%. Vice-Chair Cross replied that condexes were allowed to have shared drives so there was no justification for increasing road frontage, which would increase curb cuts.

Mr. Pare said contiguous waters were contentious and that was the reason for that proposal. Vice-Chair Cross said contiguous meant year round water, but not necessarily flowing to Great Bay. He said a year-round stream would be more important to protect. Chair Hebert said contiguous meant a lot of things to a lot of people, but he advised everyone to drop the proposal for now to move along.

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

Chair Hebert said the Board had made some serious changes to the Ordinances and Regulations over the last ten years, but no one had appeared to question them until now and he wondered if something going on around town. Vice-Chair Cross said he had been talking to people about the wetlands. Mr. Frink said big deal for him because would restrict his property greatly. Mr. Weiner said there were three people from the public speaking on issue regarding their own property, but he would like to talk to other to know how they felt.

Mr. Frink recommended putting out a mailing to residents explaining the proposals because there would be many more people asking questions at Town Meeting. Chair Hebert said he would have Mr. Coogan put something together and Ms. Pickering would put something in the "Newington Neighbor" as well. Ms. Pickering said she hadn't received anything as yet and that was why she was asking questions.

Ms. Pickering said the Board still needed to provide defensible reasons for restricting duplexes besides hating them and being anti-development. She said voters might take them at their word without question, but there would be a pendulum of wealthier people who could afford to build on larger lots, restricting middle-class diversity.

Mr. Pare stated that ten years ago a questionnaire was put out for the strategic master plan and there was an overwhelming mandate of 93% to keep Newington rural. Ms. Pickering responded that those results were relative to her point that there was a difference between a million dollar mansion overlooking Great Bay and a duplex. Chair Hebert replied that duplexes had the potential of becoming condominiums, but there were also new laws for Work Force Housing that they had to address. He said he only way to keep the rural open space was to increase square footage requirements.

Mr. Frink said the purpose of the Planning Board was to balance the rights of the individual property owners with the town as a whole. He said the Board also needed to consider public safety, such as curb cuts in close proximity to one another on busy public roads and document their findings.

Mr. Coogan said the next item was to combine districts and make Pease Development Authority one. Ms. Pickering commented that the Trailer District was the only district that qualified for Work Force Housing, but the Town didn't have any control over the district unless Pease went away. Chair Hebert said a trailer park district was still in the Ordinance, but it didn't mean anything. Vice-Chair Cross stated that the district was developed in 1992 with the intent of controlling developments, but it never accepted by the State as Work Force Housing because it was on State land. He agreed that they could determine how to utilize the district at a later date if the Town regained the boundaries.

Chair Hebert noted that residential uses outside of the Residential Zone were prohibited except for caretakers, which was a permitted use.

Chair Hebert reiterated that the square footage for two-family units would increase from 80,000 square feet to 120,000 square feet. Ms. Pickering asked how the Town could maintain the rural nature of town with a legal of taking of property. Mr. Coogan said it was acceptable planning theory backed up in courts that a town could regulate square footage so long as it was backed by the Master Plan.

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

Ms. Pickering commented that the proposals were “increasing snob zoning in town”. She said the only recourse would be for a property owner to sue the Town. Chair Hebert said a property owner could only sue for existing conditions. Attorney Ratigan said the Board was proposing more stringent regulations for development of duplexes, but it was up to the community to adopt the proposals. Chair Hebert said the Board was responding to more people than were present and the three members of the public were of a minority view. Ms. Pickering disagreed and said it was an “inbred board” that needed to consider other sides.

Chair Hebert said the requirement for a single-family dwelling used to be two acres and now they were proposing a requirement of three acres for a two-family dwelling so that was a gain.

Mr. Coogan noted that traffic mitigation was deleted as a single item and put in site review.

Mr. Coogan went on to say they removed the Special Exception for a wetlands driveway crossing before the ZBA and replaced it with a Conditional Use Permit. Chair Hebert said it was a burden to ask the ZBA to do planning and not give the applicant any recourse if they didn't agree. He said this item was for growth, not anti-growth.

Chair Hebert said he wanted clarification of responsibility in the zoning to be sure the building inspector would remain enforcement official. Mr. Pare pointed out that the item moved to the top of the Z45 proposal and Attorney Ratigan suggested Mr. Coogan circle back.

Mr. Pare commented that Mr. Coogan pointed out that mobile storage containers still needed to be defined and Chair Hebert ask Mr. Coogan to get a definition.

Chair Hebert said the Town Planner had been out and it was challenging to address all the issues. Mr. Frink said Mr. Morgan worked for the Planning Board and the Town. Ms. Pickering said the Board put time in, but they were rushing things that voters wouldn't be able to assimilate.

Additional Discussions:

Chair Hebert said discussion of the budget would be on the following week's agenda but he would like to increase legal services and professional consulting services to \$25,000 in next year's budget.

Vice-Chair Cross proposed cutting the COAST budget by half and applying the increases to legal. He said their base operating cost and cost of vehicles was high and after supporting COAST for 15 years, they were not responsive or efficient with the use of a the money in a way that was sustainable.

Vice-Chair Cross said he was asked if a duplex could have one or two accessory apartments and Chair Hebert replied that an accessory apartment was for a single family home only and a duplex could not have an accessory apartment.

Mr. Stern commented that no one in the audience expressed any concern for wetlands encroachment, only concern for the restriction to their development near wetlands.

Town of Newington, New Hampshire

PLANNING BOARD

Meeting Minutes, Monday, November 16, 2015

Vice-Chair Cross said it was a misconception that wetlands setbacks would take away the use of their property. He said buying a huge lot didn't entitle someone to build as many lots as they wanted. He said things needed to be safeguarded and balanced and there were guidelines in the Master Plan. He said there needed to be a discussion with the entire town and not just the Board.

Mr. Latchlaw said perception becomes reality and no matter what argument is presented, it won't fly if the Board comes across as too zealous.

Chair Hebert said the Town's counsel for the Section 106 process spoke with Eversource on whether the Historic District could force them to take a different route for the new transmission lines. He said there was discussion about moving the existing line and rewiring the town at a higher 35,000 volts through the Frink farm, which sounded promising.

Chair Hebert asked Mr. Pare if Historic District Chair, Gail Pare had heard whether the Pickering property was eligible for the National Historic Preservation Registry and Mr. Pare said he thought it was.

Chair Hebert said he was still contacting Senator Kelly Ayotte to see if the lines could run through Great Bay National Wildlife Refuge as they did for the water line.

Adjournment: *Jack Pare motioned to adjourn, and Jim Weiner seconded. All were in favor and meeting adjourned at 10:00 p.m.*

Next Meeting: Monday, November 23, 2015

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