

Town of Newington, NH  
PLANNING BOARD

Meeting Minutes, Monday, October 24, 2016

- Call to Order:** Chair Denis Hebert called the October 24, 2016 meeting at 6:30 p.m. followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Bernie Christopher; Jack Pare; Mark Phillips; Alternate Members: Ken Latchaw and Peter Welch and Jane Kendall, Recorder
- Absent:** Jim Weiner; Board of Selectmen's Representative, Cosmas locovozzi and Town Planner, Gerald Coogan
- Public Guests:** Eric Weinrieb with Altus Engineering; Joe Coronati with Jones and Beach Engineering; Michael Berounsky; Catherine and Josh Blaisdell; Attorney Kevin Baum; Constantine Routetski; Chris and Laura Rogers

1) **Public Hearings:** Proposal by Michael Berounsky regarding property at 30 Swan Island Lane, Tax Map 53, Lot 9.

Joe Coronati with Jones and Beach Engineering updated the Board on their latest cul-de-sac design to provide the required 200 linear feet of frontage required for the applicant's subdivision proposal.

Mr. Coronati stated that Town Planner, Gerald Coogan and Town engineering consultant, Eric Weinrieb with Altus Engineering reviewed changes that were suggested and said they didn't like the layout after seeing it on paper so he went back to the previous layout that would require building a new cul-de-sac and extending the driveway of abutters, Chris and Laura Rogers to the road. He said the applicant, Michael Berounsky left the Rogers a plan and discussed the advantages and disadvantages, but they hadn't received firm approval yet.

Mr. Coronati showed the Town's preferred layout and stated that if the Board didn't agree, then they would have to change to an oval shaped cul-de-sac.

Mr. Coronati said Mr. Coogan sent them an email suggesting they consider reducing the pavement width to 14 feet. Mr. Weinrieb suggested a four-foot gravel shoulder with a 14-foot-wide road was a possibility. Chair Hebert replied that they had

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discussed the width previously and he had reminded them that the issue was school buses had trouble traveling on a narrower width, whether currently or in the future.

Mr. Weinrieb said he thought it was a workable layout. He said there were some complexities with the cul-de-sac area on the north side that would be conveyed to the Rogers and would have to go through warrant article. He added that another part would have to go to the southerly abutter.

Mr. Coronati said their concern was that it would have to go in a warrant article, and if it wasn't passed then they would be stuck. Chair Hebert said he understood that approval would have to be based on approval of the warrant article passing.

Mr. Coronati said the Rogers were also concerned with long term tax affects. Board member, Jack Pare replied that it wouldn't affect the Rogers taxes very much if at all. Chair Hebert said he could check with tax assessor, but he agreed that it shouldn't affect their taxes much because their property value came from buildable lots and this wouldn't amount to that.

*(At this point in the meeting Chair Hebert said he meant to mention that Alternate Board member, Peter Welch called and wanted to recuse himself due to the proximity of his home. Mr. Welch recused himself and joined the audience.)*

Mr. Rogers asked how much additional property were they talking about and asked for a rough estimate of where boundaries would be. Mr. Coronati showed the Rogers on the map.

Chair Hebert suggested that the Rogers asked more questions such as who would refinish their driveway. Mr. Rogers agreed and said would want to be assured that the electric conduit, the granite posts and the street lights be moved forward. He also asked who would be responsible for alteration of terrain, permits and rewriting the deed after the project was complete. Chair Hebert replied that all those expenses should be covered by the applicant.

Mr. Coronati stated that the Berounsky's would be willing to move and reinstall the conduit, the granite, the lights and repave their driveway. He said new construction was usually bonded to be sure that the Town's engineering consultant inspects the project. Chair Hebert added that the bond was also an insurance guarantee to the Town should applicant default and then the Town could call the bond to have a contractor finish the construction.

Mr. Weinrieb told the Rogers they would have to give the construction engineers the right to enter their property during construction and they would be responsible for any damages, including damages to lawns. Mr. Coronati added that reseeded would be covered in the bond as well.

Ms. Rogers said that they would not be prepared to approve the plan without further consideration.

Attorney Kevin Baum, representing abutter, Constantine Routetski said this appeared to best of proposals, but he was just seeing the plan so his client would like to study it further as well. He noted that the trees were a view protection so they would

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want to see additional landscaping with trees of similar size. The applicant's daughter, Catherine Blaisdell said the trees were planted 25 years before and they would plant more.

Chair Hebert said the Scotch Pine were getting older and starting to decline anyhow, but he thought the maples and utilities would remain. Mr. Coronati agreed that they would remain as would the water shutoff and the telephone boxes.

Vice-Chair Cross asked why they couldn't leave the area as Town property instead of turning it over to the Rogers. Mr. Weinrieb said it could be, but then it would be no man's land and no one could legally maintain it, so he thought it made sense. Vice-Chair Cross responded that he had a right-of-way with a swale in front of his house that he maintained. Chair Hebert replied that he checked with Town counsel, Attorney John Ratigan who said it could become a liability to the Town. He added that the Town had turned property over to several commercial property owners, including ATCO LanAir on Shattuck Way, ThermoFisher Scientific and Wilcox Industries for Wilcox Way, but they didn't have to do anything if it was a problem.

Alternate Board member, Ken Latchaw agreed that other owners maintained a good chunk of Town owned properties in front of their homes and it was never a problem and was interested in what everyone else thought.

Mr. Coronati said frontage for the new lot would need to use property in the Town owned area. Chair Hebert added that they would need to go to warrant article to convey that property anyhow, but it could be a different issue if the Town were asked to grant them the right-of-way for frontage, however.

Chair Hebert asked if there was a better solution than the currently presented proposal.

Mr. Coronati showed which part of the existing cul-de-sac would remain and how the existing electrical, drainage pipe and trees would be removed and relocated.

Board member, Mark Phillips said he wasn't totally convinced that going back to the oval shape would be less devastation to what was already there. Mr. Weinrieb agreed that it would be more invasive and that the current proposal appeared to have the least amount of pavement. Chair Hebert added that the Rogers said they would prefer to move the cul-de-sac further away, however and the previous proposal wouldn't do that.

Vice-Chair Cross asked how the design would affect the watershed. Mr. Coronati said the that pavement would tip toward the cul-de-sac and perhaps it would require a pipe going out so they wouldn't have to build a ditch on the outside of the cul-de-sac.

Vice-Chair Cross asked how the design would affect the drainage coming from the Routetski's and Mr. Coronati said currently there was a culvert under the drive and a shallow ditch, so they might have to continue the ditch line and create a culvert. Vice-Chair Cross suggested a straight culvert in and out and Chair Hebert also suggested a catch basin in the middle of the cul-de-sac.

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Board member, Bernie Christopher said as a father he wanted to help the applicant help his daughter, but as a Board member he wanted to be sure the neighbors were okay; however, he disagreed with putting a private driveway on Town property. Chair Hebert stated that he had talked with legal counsel who agreed, but the Rogers could say they didn't want the property, although they would have to maintain it themselves.

Mr. Christopher said it was premature and they needed to sit down and come up with a plan. Chair Hebert agreed and said Mr. Coogan encouraged the applicant to talk with the abutters.

Vice-Chair Cross suggested that the Rogers revert that strip to the Town, exchanging it with another strip on the other side so they wouldn't need to be concerned with maintenance and to make a more standard sized lot. Mr. Coronati replied that there was an easement to the Town on that 15-foot-wide strip.

Mr. Berounsky asked if this plan hinged on the Rogers accepting it. Chair Hebert said he wasn't positive, but he thought not because it would be up to them to determine an agreement with the Rogers to come to a resolution. Ms. Blaisdell replied that they couldn't do that because they didn't have a plan that the Town would accept.

Mr. Berounsky commented that they had presented several plans and this had not been a plan until recently, but Chair Hebert had said this was now the plan of choice, only he wanted to know what they should do if this wasn't approved by the Rogers. Mr. Weinrieb replied that they had been encouraged to talk with neighbors months ago because the Board couldn't accept the plan previously presented. Chair Hebert added that this plan appeared to be the best for everyone so it would be best to come to an agreement and he didn't know where to go if the Rogers wouldn't come to an agreement.

Mr. Coronati said if they wouldn't, then they would go back to the oval and Mr. Berounsky said the peanut shaped cul-de-sac was also a possibility. Mr. Pare said the peanut shaped cul-de-sac met the zoning rules, but he didn't think it met fire and bus requirements, although Mr. Berounsky disagreed.

Mr. Phillips said he had empathy with the applicant and he didn't feel Mr. Berounsky had been given proper guidance. He said he threw cold water on this design, but he would be willing to retract his objections if they could work out with the Rogers.

Vice-Chair Cross commented that they were going through the time-consuming process to come up with the best solution for everyone.

Mr. Berounsky said the ball was in the Rogers' court. Ms. Blaisdell added that she didn't think the Rogers were willing to work with them.

Mr. Rogers commented that the Town said they wanted to reduce pavement, but it seemed like they were passing more pavement on to them to maintain. He said it already took him three hours to clear his driveway of snow and an extra 40 feet of pavement to resurface and plow would be an additional cost. He added that the Berounsky's had also stated two meetings ago that they weren't willing to compensate

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them. Ms. Blaisdell replied that she misunderstood the question before, but confirmed that they would cover the costs for the changes to the Rogers' driveway.

Chair Hebert said the Town had the right to move a road, but they usually didn't want to if they didn't have to. He said the Town was offering to give property to the Rogers, but the Town wouldn't plow the end of anyone's property, noting that some people had more property along Town roads to maintain than others.

Mr. Coronati said they would meet with the Rogers and address their concerns, but asked if everyone would be okay if they went back to the oval shape as a plan B if the Rogers wouldn't go forward with the plan. Chair Hebert replied that the Routetski's would complain with that plan and rather than get into hypotheticals, he thought it would be best to work with the Rogers.

Chair Hebert announced that they had hit the 60-day mark and Mr. Berounsky could force the Board to make decision at this meeting, but he suggested they submit a signed letter to Mr. Coogan for another 60-day extension.

Vice-Chair Cross added that changing boundaries would require a Town vote so it would be important to come to a resolution within 60 days. Chair Hebert added that Mr. Coogan and Town Administrator, Martha Roy needed to write the warrant article before December 14, 2016, which could still be withdrawn if it wasn't needed.

Chair Hebert continued the hearing to Monday, November 14, 2016.

*Mr. Welch returned to his seat.*

### 2) **2017 Budget Review:**

Chair Hebert announced that the Town had hired Gerald Coogan as their permanent part-time planner and could finalize the contracted services, additional duties, insurance coverage and support to the other boards to be included in the final budget for Board approval.

*Bernie Christopher moved to approve the 2017 Planning Board budget in the amount of \$177,844. Jack Pare seconded the motion and all were in favor.*

### 3) **Additional Business and Discussions:**

#### A) Digital Scanning of Plans

Chair Hebert announced that Mr. Coogan's duties would include working on digitizing plans for the Town.

#### B) Accessory Dwelling Units (ADU's)

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Chair Hebert commented that he thought a 1,000-square foot accessory dwelling unit was rather large and upon further consideration suggested dropping it down to 900 square feet and consider approving a larger size through conditional use or special exception. Mr. Pare and Mr. Welch suggested they not change the size again.

**4) Correspondence and Status Report**

Chair Hebert said it was important to be careful with subdivisions as several applicants had altered or attempted to alter plans that had previously been approved by the Board.

Mr. Latchaw suggested something be added to the subdivision requirements so someone couldn't sell their property and a new owner return with a completely different proposal.

Mr. Phillips suggested that it be recorded on the plan that the project had to be completed as presented.

Mr. Pare suggested asking Mr. Coogan to find wording from another source to use. Chair Hebert Board members could send their inquiries and suggestions directly to Mr. Coogan.

**Minutes:** Chris Cross *moved to approve the Minutes for the September 26, 2016 Site Walk and the October 11, 2016 meeting with corrections as noted.*  
Jack Pare *seconded the motion and all were in favor.*

**Adjournment:** Jack Pare *moved to adjourn the meeting. Bernie Christopher seconded the motion and the meeting adjourned at 8:10 p.m.*

**Next Meeting:** November 14, 2016

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

*These Minutes were approved and adopted at the November 14, 2016 Planning Board Meeting.*