

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, November 13, 2017

- Call to Order:** Vice-Chair Cross called the November 13, 2017 meeting at 6:30 p.m., followed by the pledge of allegiance.
- Present:** Vice-Chair Christopher Cross; Board Members: Bernie Christopher; Jim Weiner; Alternate Members: Ken Latchaw; Rick Stern and Peter Welch; Board of Selectmen's Representative, Mike Marconi; Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Chair Denis Hebert
- Public Guests:** Ben Johnson; Jill Semprini

I) New Business: Driveway Permit request by Ben Johnson for Jeff Semprini regarding property located at 15 Fabyan Point Road, Tax Map 47, Lot 5A.

Contractor Ben Johnson presented his request to move the previously approved curb cut to a corner location to make it less steep.

Alternate Board member, Ken Latchaw asked if there would be an improvement to visibility and Mr. Johnson said the change would put it closer to his driveway and he wasn't certain if it was better. Discussion ensued regarding the angle and pitch of the proposed driveway.

Board member, Jim Weiner commented that he thought that the proposal was to make an improvement for visibility for circle. Vice-Chair Cross noted that it was an unusual circle.

Vice-Chair Cross asked if there was any need for a culvert. Mr. Johnson said he didn't think there was because it was a downward slope.

Vice-Chair Cross asked if there would be any issue with the utilities and Mr. Johnson replied that the transformer was already there so there would be no issue. Mr. Weiner suggested putting in a couple of conduits for utilities and a swale so there wouldn't be water and ice pooling.

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Jim Weiner moved to approve the driveway permit request by Ben Johnson for Jeff Semprini regarding property located at 15 Fabyan Point Road, Tax Map 47, Lot 5A. Bernie Christopher seconded, and the motion passed with Bernie Christopher, Chris Cross, Jim Weiner and Mike Marconi voting in favor.

II) Other Business:

- A) **Master Plan:** Update on the two facilitated sessions, Master Plan survey, draft reports and proposed work program and budget for 2018.

Vice-Chair Cross announced that one of the three work sessions that was scheduled for Wednesday, November 1, 2017 had been delayed because the Langdon Library held its 150th celebration on the same night. He said the next meeting would be held on Wednesday November 29, 2017. Vice-Chair Cross stated that discussions would include land use, transportation, utilities, housing, Town facilities and residential activities.

Vice-Chair Cross stated that citizen responses to the meetings and surveys would be included in the Master Plan.

Town Planner, Gerald Coogan passed out notes from the November 1, 2017 Visioning session and announced that a draft would be reviewed during the December 2017 Planning Board meeting. He said a portion of Rockingham Planning Commission's contract work would be delayed until the citizen responses were completed between December 2017 and March 2018.

B) 2018 Zoning Amendments Discussions

Mr. Coogan passed out a memo with descriptions of the amendments and announced that the Board should target December 11, 2017 for the first public hearing and January 8, 2018 for the second public hearing.

- 1) Amendment #1: Article II, Definitions Section 2 – List of Definitions,
Building Height

Mr. Latchaw reported that he had done some research on building height regulations and ordinances from other towns. He suggested that the previous recommendation would allow builders to bring in fill, but it did not specify aesthetic grading. He said there were numerous homes in town that were already higher, so the issue was whether to measure the overall height from grade or from the top of the foundation. He suggested revising the language of the previously suggested amendment to measuring each side to grade from the foundation and calculate the mean average height.

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Mr. Coogan commented that the Board had discussed previously and decided they didn't think a mean average would address their concerns. Mr. Latchaw replied that a plain average would also work. Alternate Board member, Peter Welch recommended specifying the pre-existing grade.

Mr. Latchaw stated that it made sense to come off the grade on a recent re-development on Nimble Hill Road across from his home was because the previous grade of the septic and leach system was sitting in ground water and he thought contouring a lot looked better than a single septic mound.

Mr. Welch agreed that there was a big mound in the yard of a house at the intersection of Fox Point Road and Little Bay Road and he thought they should be a practical height. He added that a property owner could use a pump for their septic system. Mr. Weiner stated that given the choice between building his house on the higher ground by the road and using gravity for his septic system or building his house lower, he chose to build it near the shore and use a pump.

Mr. Welch suggested measuring from existing foundations, but Mr. Latchaw replied that wouldn't work without a certified foundation. Board member, Bernie Christopher replied that as a developer he always got a certified plot line, which he kept in his files even if most towns didn't require it.

Mr. Latchaw suggested measuring from within the building envelope, which usually was larger than the building itself. Mr. Christopher pointed out that an elevation certificate would be required.

Mr. Weiner said he thought the purpose of height was so that the fire department could get to highest point safely. Mr. Latchaw said he thought that too, but when he researched other smaller towns and cities in New Hampshire he found that they also weighed in on appearance to maintain uniformity within the existing community.

Mr. Christopher commented that access for fire safety was up to the fire chief and code enforcer. Mr. Welch agreed, but pointed out that it was important to keep in mind that septic systems only had to be four feet above the water table and if someone had the means, they could build a home on a mountain to be above the surrounding homes.

Vice-Chair Cross commented that one issue was with someone building a towering house along Great Bay that would block everyone's view. Mr. Weiner also talked about the obstruction of abutters' views and suggested going before the Zoning Board of Adjustment (ZBA) to request exceptions to the ordinance.

2) Amendment #2: NZO Article III, Zoning Districts Section 6 – **Waterfront and Industrial District**

A brief discussion ensued regarding the meeting with Sprague that Julie LaBranche, Senior Planner with Rockingham Planning Commission had set up to discuss the effects of storm surges along the waterfront. Mr. Welch said they discussed

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the possibility of accepting other kinds of bulk storage along with the fuel, asphalt, gypsum and salt that they currently stored on site.

Vice-Chair Cross stated that Ms. LaBranch and Mr. Coogan also met with Shaftmaster Fisheries, which was a thriving lobstering business on the waterfront. He said with 30 employees and 50 contracted fishermen, their parking was often crowded and there was a concern that the private road that was shared with Sea-3 for emergency access might be an issue. He suggested that they might need agreements for access, including maintenance and plowing and they might need to consider offsite parking.

Mr. Welch asked if would they talk with Tyco as well. Vice-Chair Cross replied that Ms. LaBranche hadn't set anything up. Mr. Coogan added that he could check to see if they would be affected by sea rise. Mr. Welch said meeting with them could still be informative.

Mr. Marconi suggested that the Planning Board send a letter to the Governor's council to recommend someone in Newington to serve as a representative on the Port Authority Committee. He said Mr. Welch offered to serve as the representative and he had the Board of Selectmen's support. Mr. Marconi asked Mr. Welch if he would also service on Newington's economic development committee as it would make sense to have someone that also served on the Port Authority Committee.

3) Building Permit Time Restrictions

Mr. Coogan informed the Board that he had talked with Town counsel, Attorney John Ratigan about adding time limits for commercial, industrial and residential development approvals.

Mr. Weiner suggested that fourteen months was a reasonable time to complete a development. Mr. Latchaw added that an applicant could then return in a year to request an extension if they thought they couldn't complete the project in time. Mr. Christopher commented that he thought a year was plenty of time to complete a project. He acknowledged that general contractors and home builders with a limitless budget could drag a project out for a long time, but he said most builders wanted to get projects done sooner so they could go on to the next project.

Mr. Weiner expressed concern with applicants that violated codes and conditions of approval with little consequence. Mr. Marconi replied that the building inspector was under the Board of Selectmen's jurisdiction, but the Planning Board was also to be made aware of problems.

Mr. Stern asked about an applicant that returned repeatedly. Vice-Chair Cross suggested that an applicant would need to give just cause and be prepared to address impacts to abutters.

Mr. Weiner expressed concern for claims of hardship. Mr. Welch added that they needed to consider hardships on abutters because of projects that went on indefinitely.

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Mr. Christopher pointed out that the burden would fall on an abutter to take the builder to court.

Discussed ensued regarding start and end dates as well as fines. Mr. Marconi said he would discuss standard practice with the building inspector.

Vice-Chair Cross noted that they should also consider the case of a builder that obtained an approval for one building, but then continued to return for additions. He suggested they consider setting a limit.

4) Separate Septic and Water Systems for Duplexes

Mr. Christopher commented that having sufficient space for two septic systems was an issue on a single house lot. He added that septic approval was based on the number of bedrooms and asked why a condominium couldn't have separate lines to a shared septic if it belonged to the association. Vice-Chair Cross replied that the Board although duplexes only had one owner, there was potential for a duplex to become a condominium, so that was the reason for requiring separate septic systems.

Mr. Weiner commented that he thought the Board had already done revisions on condominium and duplex requirements with several other amendments to the Ordinance. Mr. Coogan replied that he had researched the subject and didn't find anything.

Vice-Chair Cross agreed that they had already increased the acreage for a two-family condominium dwelling from two acres to three acres, required the establishment of separate ownerships, and separate utilities lines, however he wondered if they also needed to address separate utilities for accessory dwelling units and duplexes.

5) Correspondence and Status Reports: Town Planner

Mr. Coogan updated the Board on upcoming applicant proposals that would be discussed at the next meeting.

6) Additional Discussions:

Mr. Weiner commented that he found it frustrating to get different answers from different people when he was building his home and suggested that the administrative assistants and Town clerk have a checklist for developers that would outline key steps and direct applicants to the correct party. Mr. Marconi replied that the Town office would be able to address that issue after they updated their computer systems.

Minutes: *Mike Marconi moved to approve the Minutes for the November 27, 2017. Bernie Christopher seconded, and all were in favor.*

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Adjournment: *Mike Marconi moved to adjourn the meeting. Bernie Christopher seconded the motion and the meeting adjourned at 8:34 p.m.*

Next Meeting: Monday, November 27, 2017

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

These Minutes were approved and adopted at the November 27, 2017 Planning Board Meeting.