

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, November 14, 2016

- Call to Order:** Chair Denis Hebert called the November 14, 2016 meeting at 6:35 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Jack Pare; Mark Phillips; Alternate Members: Peter Welch; Board of Selectmen's Representative, Cosmas Iocovozzi; Interim Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Bernie Christopher; Jim Weiner; Alternate Member: Ken Latchaw
- Public Guests:** Michael Berounsky; Joe Coronati with Jones and Beach Engineering; Jennifer and Josh Blaisdell; Attorney Bernie Pelech; Attorney Tom Keen; Chris and Laura Rogers; Constantine Routetski; Attorney Kevin Baum; Glen Greenwood with Rockingham County Planning

1) **Public Hearings:** Proposal by Michael Berounsky for a subdivision regarding property at # Swan Island Lane, Tax Map #, Lot #.

Alternate Board member, Peter Welch recused himself as an abutter on this item.

Chair Hebert asked the applicant, Michael Berounsky if he had sent a letter to Town Planner, Gerald Coogan in request for a sixty-day extension. Mr. Coogan said he had.

Chair Hebert asked Mr. Berounsky if had talked with abutters, Chris and Laura Rogers regarding the extension of their driveway. The applicant's engineering representative, Joe Coronati with Jones and Beach Engineering said that was the goal stated at the last meeting. He said the Rogers were given a plan, but they still had questions. He said they also wanted to be sure this was the plan wanted before they did the engineering and found out that the Board didn't want it.

Attorney Tom Keen, representing Chris and Laura Rogers said his clients had several concerns considering there were several unresolved issues. He the Rogers purchased a lot on a previously approved subdivision and they were concerned that the proposed changes could bring about undesired consequences.

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Attorney Keen said he thought it was unusual to add land to someone's lot or change a subdivision after all the lots were deeded. Chair Hebert said the Town did not have to give up land because the Rogers said they didn't have an interest in owning more property, but the driveway would still need to be built on that piece. Chair Hebert said he spoke with Town counsel, Attorney John Ratigan who confirmed that many residents had to maintain various right-of-way setbacks.

Attorney Keen commented that the Town would have the liability and responsibility for the property. Chair Hebert said he was not certain if that was the case.

Attorney Keen said he also spoke with Attorney John Ratigan and he wasn't sure if it was possible to change an approved subdivision plan without consent.

Board member, Jack Pare commented that they had explored different concepts that opened additional problems for the Town. He said the Board found the best solutions for non-conforming challenges was to make lots as conforming as possible. He said the Town had also been challenged by residents supporting the Master Plan to retain the rural character as outlined in the Zoning Ordinance, but he thought any deed could be amended. Chair Hebert agreed that lots were not all the same since ordinances changed over time.

Mr. Coogan passed out a letter from Attorney Ratigan and read last paragraph that said an abutter did not have the veto over the Planning Board's decisions though they could appeal them.

(The applicant's counsel, Attorney Bernie Pelech appeared at this point in the meeting at 7 p.m.)

Abutter, Peter Welch of Newington Road asked if the Town owned the right-of-way on the road. Chair Hebert replied that some towns didn't own land, but Newington did own most fifty foot strips of road with some exceptions such as on Wilcox Way.

Vice-Chair Cross added that when Newington adopted the Zoning Ordinance in 1955, every development that created a fifty-foot corridor was required to deed the right-of-way on each side to the Town.

The applicant's daughter, Katherine Blaisdell said the Rogers went away for two weeks and were asked to give a call when returned, but they hadn't heard back from them. Attorney Kevin Baum said they reached out to Mr. Coronati over the previous week because they had concerns too. He said it seemed premature and not the best use of Board's time to discuss during the Public Hearing.

Vice-Chair Cross suggested they might consider shortening the driveway by twenty feet.

Attorney Keen said he they knew that another plan had been presented to the Zoning Board of Adjustment (ZBA), but their request was inconsistent with the five criteria required for granting the variance so he wondered if they could consider a joint meeting between the Planning Board and the ZBA to come up with a more attractive plan instead of the unusual cul-de-sac, changing the Rogers driveway that would require more maintenance by conveying Town property to add to their lot and possibly increase

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their taxes. Chair Hebert said he would be in favor of a joint meeting with the ZBA, but he wasn't sure if they would be in favor of a joint meeting. Attorney Pelech said might not be necessary anyhow.

Chair Hebert went on to say that the ZBA had already acted on a request for this subdivision and the applicant had not contested their decision within the 30 or 60 days allowed.

Attorney Pelech said he thought the former variance request was a request to allow two dwellings on one lot. Chair Hebert said he thought it was for frontage. Attorney Pelech said they would need to look at the applications to be sure.

Mr. Berounsky stated that they were informed that they were not allowed to have two separate dwellings on one lot and the variance request was for a shared driveway going off the existing cul-de-sac.

Mr. Berounsky recalled ZBA member, John Frink had said during a previous Planning Board meeting that he didn't want the Board to send them back to the ZBA. Chair Hebert commented that the Town has never granted variances for frontage because there was no hardship if there was another option, but he couldn't second guess the ZBA's decisions.

Attorney Keen suggested that he, the Berounsky's counsel, Attorney Bernie Pelech and the Routetski's counsel, Attorney Kevin Baum get together to discuss their options.

Mr. Berounsky asked if the Board would accept their plan if the neighbors didn't agree. Mr. Coogan said abutters didn't have to approve the plan, but the Board could put conditions on approval. Chair Hebert said for instance, the developer would have to pay for any construction.

(Board of Selectmen's representative, Cosmas Locovazzi arrived at 7:13 p.m. at this point in the meeting.)

Chair Hebert continued the hearing to Monday, December 12, 2016.

2) **Wilcox Way:** Plan Update

Mr. Coogan updated the Board on the plan to extend Shattuck Way on Wilcox Avenue to the Waste Water Treatment plant. He said they intended to put the first coat of asphalt on in 2017.

Chair Hebert said he told Mr. Coogan that completing the road to Gosling Road would cost one to three million dollars so they were waiting for a developer to contribute to the project. Mr. Locovazzi said the concern was that the longer the Town waited, the more it would cost. He said another consideration was that completing the connection to Gosling Road would help alleviate congestion on Gosling Road. He added that the State was talking about turning Woodbury Avenue over to the Town the following year.

Mr. Pare commented that people were currently cutting through the intersection at the mall and more would cut through with the new connection.

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Chair Hebert stated that \$275,000 was set aside for this section of the road. He said there would be more wetlands permits required to continue to Gosling Road and he had heard that laws might change because current laws were so restrictive and mitigation fees were currently used for DES funding.

3) **Newington Master Plan:** Presentation by Rockingham County Planning

Glen Greenwood with Rockingham County Planning appeared before the Board to discuss updating Newington's Master Plan.

Mr. Greenwood passed out a memo with his comments and said that he could see a lot of work went into the Master Plan that covered a lot of different topics, but the breadth was unusual for a town the size of Newington. Mr. Greenwood said State statute RSA: 674:2 only require that master plans include a vision statement, existing conditions and future mandates, but most had more. Mr. Greenwood said it was hard to know when the different sections were written in Newington's Master Plan except when dates were referenced, such as the last reference to the 2000 Census in the Housing section. He said one of the problems with not having dates for reference was that it was not possible to track trends in the community. Chair Hebert said he thought the last time the Board did updates was in 2006, but probably left old information in.

Mr. Greenwood went on to say that everything else was filler, but the existing and future land use goals and objectives in each section should be tight, which would provide a good vision statement if they could get focus on a consensus.

Mr. Greenwood added that in addition to the commercial and industrial districts, the Town would eventually need to address the future of Pease Development Authority.

Mr. Greenwood said the existing land use description was fine, but housing was not adequately addressed. He said there was discussion about the wetlands not being developable, yet it acknowledged there was enough land to double residential populations. Mr. Greenwood said it was stated that doubling the residential density would change the rural character, but the residential vision was not discussed further.

Mr. Phillips asked how Hampton Falls addressed Work Force Housing. Mr. Greenwood said the Work Force Housing law was prescriptive and there was a clause that said sometimes there were factors if a town had little control and anyone living within twenty miles from the ocean had a market constraint with inflated land costs, which would always be a challenge for the Seacoast.

Mr. Coogan added that multi-unit Work Force Housing also needed Town water and sewer. Chair Hebert replied that the Town had water, but the waste water treatment plan was only built for the commercial and industrial waterfront area. Mr. Greenwood noted that was clearly stated in the Master Plan.

Mr. Greenwood went on to say that the Master Plan made no reference to the environmental developments in the Bay over last ten years.

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Mr. Greenwood said he'd never seen so many topics discussed in a master plan. He said the vision section talked about a citizen survey in the appendix, but it didn't say how many or when. He said the Master Plan should reflect public participation and provide information for comparison. Mr. Greenwood stated that a 20-25% response rate was common.

Vice-Chair Cross said the policies used to be in the front. He said he hoped they would focus on ten principles basic to development in Newington. Mr. Greenwood replied that the document didn't tie back to strong statements or the community forum.

Vice-Chair Cross said there was a lot of detail on the history of the area, but it also bothered him that facts presented seemed selective and were not sourced and there were no footnotes.

Vice-Chair Cross asked what facts or policies were the most appealing and Mr. Greenwood replied that the development policies behind the appendix were concise and straight forward. He said he liked the policies on promoting local agriculture, addressing the effects of dense development, and air quality from industry and commercial parking lots, but it was missing the qualitative background.

Mr. Coogan asked how they might sort out forty-five goals and objectives from 191 recommendations. Mr. Greenwood agreed that 191 recommendations were worthless without a statement indicating who would act on them and if they couldn't be worked on, then there should be a statement as to why not. He said money was often an obstacle or delay for implementing recommendations and suggested that the Board incorporate a redo of the State Master Plan and identify the short, medium and long term, action oriented plans that were progressive to encourage motivation in people.

Mr. Greenwood recommended that the Board seek assistance from the UNH Cooperative Extension to facilitate meetings to obtain the necessary public input in the development policies and objectives. He said it would take some work to explain the importance of attendance, but people would appreciate it once they attended.

Mr. Greenwood said it was reasonable to take two years to update a master plan, but three years was long so the Board needed to push themselves to finish. He said it could be done all at once, or some towns did a chapter or two a year and by ten years their master plan was all new, but the process never ends. Vice-Chair Cross said it was also difficult for continuity. Vice-Chair Cross asked if towns hired to get survey input from community for town.

Chair Hebert stated that the Board set aside \$25,000 to start the process of working on the first three chapters this year. Mr. Greenwood agreed that should be a sufficient amount to cover the first three chapters considering another town had spent \$55,000 after working on their master plan for two years.

Mr. Greenwood said most towns worked on their master plans with a steering committee, but Portsmouth always had consultants that were very good at public relations, doing a good job at harnessing broad spectrum for public participation before preparing for a public hearing. Mr. Greenwood said the RPC and many planning firms

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would be happy to help with the preparation, but recommended that the Town not let one entity do it all because although it might look good, it wouldn't fully reflect the community.

Board member, Mark Phillips asked if they could utilize the Office of State Planning for data. Mr. Greenwood replied that it was now called the Office of Energy and Planning, and the availability of information had been dismantled, but the Department of Employment Security and the RPC could put a lot of information together for their communities.

Mr. Coogan said he could put the scope of work together and Chair Hebert said they could put a steering committee together. Chair Hebert stated that Mr. Coogan's time for the project would come from the Master Plan budget.

4) Zoning Amendments

A) Accessory Dwelling Unit (ADU)

This item had been reviewed and decided upon in previous meetings for the upcoming Town meeting.

B) Article IX, Signs

Mr. Coogan said Attorney Ratigan reviewed the Supreme Court decision and made recommendations for changes for compliancy.

Chair Hebert crossed out most of Table 5A and added new wording under Table 5B under Temporary Signs.

Vice-Chair Cross said Section 3 exempted street and Federal government signs, and thought the building inspector should be notified of the new sign ordinance.

Chair Hebert commented that the Town had no jurisdiction over signs put up by the Department of Transportation (DOT).

Vice-Chair Cross said they should also add LED lighting. Chair Hebert said they could say anything that replicated neon lighting or future technology.

Vice-Chair Cross added that they should also enforce shielding for dark skies.

Chair Hebert recommended going to public hearing set for Monday, December 12, 2016 at 6:30 P.M.

4) Correspondence and Status Report by Town Planner

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Mr. Coogan passed out his memo reviewing the status of recent and upcoming agenda subjects.

5) Other Business and Discussions:

Chair Hebert updated on the Board on the 2017 budget after his meeting with the Board of Selectmen. He announced that the Selectmen voted against recommending support for the COAST bus lines.

Chair Hebert said COAST had stated during their meetings that their Federal assistance required them to run a door to door taxi service for the elderly and disabled, which increased their operating costs.

Mr. Phillips suggested the Town would be better off giving vouchers to disabled people to use Uber than contribute to COAST.

Chair Hebert commented that the COAST bus also ran their bus line to Portsmouth Naval Shipyard and the malls, but neither contributed to the line.

Chair Hebert said the malls decided they didn't benefit from contributing with bus riders that only used the bus for small purchases. Mr. Phillips said it was probably used mostly by employees that lived-in Strafford County. Mr. Pare added that they were employees that couldn't afford to live in Newington or Portsmouth.

Minutes: *Chris Cross moved to approve the Minutes for the September 26, 2016 Site Walk Minutes and the October 24, 2016 Minutes with corrections as noted. Mark Phillips seconded, and all were in favor.*

Adjournment: *Chris Cross moved to adjourn the meeting. Mark Phillips seconded the motion and the meeting adjourned at 8:57 p.m.*

Next Meeting: December 12, 2016

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

These Minutes were approved and adopted by the Planning Board at their December 12, 2016 meeting.