

Town of Newington, NH
PLANNING BOARD

Minutes, Monday, May 21, 2018

Call to Order: Chair Denis Hebert called the May 21, 2018 meeting at 6:30 p.m., followed by the pledge of allegiance.

Present: Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Bernie Christopher; Rick Stern and Peter Welch; Town Planner, Gerald Coogan and Jane Kendall, Recorder

Absent: Jim Weiner; Board of Selectmen's Representative, Ken Latchaw

Public Guests: An unnamed college student and resident of Kingston, NH

I) Public Hearing: Continuation of Site Review for a **100-room hotel** proposal by **Anthony DiLorenzo** for property located at 2061 Woodbury Avenue, Tax Map 27, Lot 2.

Chair Hebert said continued the hearing to June 11, 2018 at the applicant's request.

Town Planner, Gerald Coogan passed out an email regarding the design and cost estimate for extending the Woodbury Avenue median strip in front of the hotel. He added that Adam Chestnut, Project Manager for the Department of Transportation (DOT) stated that DOT could award the work under their bid with Severino Construction, but the Town of Newington would pay out of the applicant's funds.

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Mr. Coogan and Chair Hebert noted that there was a public guest in the audience that said he was a college student studying land use boards.

Chair Hebert noted that he had not received an agenda for this meeting. Board members replied that they hadn't received an agenda either and Recording Secretary, Jane Kendall said she hadn't received the usual notice via email either. Mr. Coogan replied that the Board had been informed of the meeting at the previous meeting.

II) Additional Discussions: Regarding Site Reviews

Discussion ensued on whether power connection to an existing building would be allowed from an existing above ground pole or whether utilities would be required to be

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buried underground. Mr. Coogan stated that power could come from an existing pole unless there was a change to the configuration or more power was required as had been discovered during recent discussions.

Discussion continued regarding issues with multiple revisions on plans after an application had been accepted as substantially complete. Vice-Chair Cross stated that the Board agreed that accepting a proposal as substantially complete didn't mean that every detail was done because some items came to light during review, but he questioned whether a proposal should be accepted when it came back with more buildings and lot coverage. Chair Hebert commented that an increase in building size wouldn't always increase the power load so he wondered what would trigger an upgrade.

Vice-Chair Cross agreed, but said he was looking for improvements to the existing code just as the building inspector had to bring up to current codes whether a site had been previously approved or not.

Chair Hebert commented that he didn't like hearing that Eversource was charging an applicant \$30,00 to put primary voltage under the street on a pad to a transformer. Vice-Chair Cross replied that the building was old and the transformer probably needed to be upgraded at the applicant's expense.

Board member, Bernie Christopher commented that he wasn't present for the last meeting, but it sounded like it should raise a red flag any time a lot of work was being done on an existing lot.

Chair Hebert commented that if there was no notice on a list of changes, then it could be viewed as fraudulent. Mr. Christopher agreed that an applicant would need to notify the planner in writing of any changes after a proposal was accepted as substantially complete. Vice-Chair Cross agreed that a list from the Board would be helpful also. Chair Hebert said the concern with making the process too burdensome on the applicant. Board member, Peter commented that noting a change on a list at the same time a change was made on a plan shouldn't be considered as too burdensome. Mr. Welch suggested that all changes be circled with a graphic "cloud" on plans. Chair Hebert recommended the suggestion as a standard to Mr. Coogan.

Chair Hebert commented that the Board needed to be aware that it was not necessary to approve a proposal before it was adequately reviewed. Vice-Chair Cross replied that the DOT, fire department, water department and other utilities would not provide letters of approval until the Board voted it as substantially complete. Chair Hebert agreed, but noted that the goal was to improve the review process so that a proposal could be done within 60 days if necessary.

II) New Business: New Site Plan Review Application and Procedure

Mr. Coogan passed out a sample of the form and an outline of the procedure using the same template and procedure as the Lot Line Adjustment.

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Mr. Coogan said there were a lot of problems with Rockingham Registry of Deeds (RRD) rejecting Mylars as inadequate so he recommended that the applicant review plans with them early in the process so that any issues could be corrected. Chair Hebert commented that Rockingham Registry of Deeds was now following their rules more closely and were rejecting nearly 75% of the plans that were submitted. He added that there was a \$25 fee, but it probably cost more to send a Town employee down and back so it would not be unreasonable to charge \$250 for a second trip.

Mr. Christopher commented that as a developer he had to record his plans himself and then he had to provide a recorded copy for a building permit. Chair Hebert replied that the issue was that there were several applicants that never brought their plans down for recording so it was now the Board's practice to bring the plans down to Rockingham Registry of Deeds once they are approved.

Board member, Rick Stern asked about changing plans to cd or electronic format. Chair Hebert replied that the Ordinance referenced electronic copy requirements as well as a requirement for two Mylars instead of paper, which disintegrates.

Discussion ensued regarding placing projects bonds into escrow accounts. Mr. Coogan stated that if the bond would be put in escrow if it exceeded \$5,000, but suggested that escrows could be returned if not needed or used completely, such as a lot line adjustment. He added that some boards allowed waivers for small developments or exiting sites. Mr. Stern asked who would make the decision and Chair Hebert said Mr. Coogan or he could make the decision. Mr. Welch suggested that they could ask for a waiver. Vice-Chair Cross suggested changing the language to say that escrow could be waived by submission of a request and approval by the Planning Board.

Chair Hebert noted that the Board of Selectmen didn't have any procedures in place, but they had a representative on the Board who could inform them of lot line adjustments after approval. Vice-Chair Cross commented that the Board of Selectmen had an assessment process change if there was something that changed. Chair Hebert replied that Rockingham Registry of Deeds would notify the assessor after recording a lot line adjustment.

Discussion continued regarding adjusting administrative fees. Chair Hebert suggested that the Ordinance should include a statement that the Planning Board would review the list of fees to be updated annually. Mr. Coogan said he saw fees listed in the Subdivision Regulations, but not in the Site Plan Regulations. He suggested that the fees in the Ordinance and application should be in agreement.

Chair Hebert suggested having the Board review the fees in the fall and Vice-Chair Cross suggested they could also consider reviewing the fees during the Board's annual budget review.

The Board also discussed the possibility of requiring pre-approval for cutting trees in sensitive areas. Mr. Stern stated that a permit was required for cutting a certain percentage of trees on a lot and without an Intent to Cut Permit a Cease and Desist order could be issued. Chair Hebert commented that he would like to see Town

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administration acquire education on the RSA so that they could inform a property owner. He added that it was up to land use boards to inform the Board of Selectmen and building inspector of violations.

Chair Hebert noted that the Site Review application included notice that the Board could require site walks, but read a letter from the Board of Selectmen regarding individual Board members obtaining authorization from owners before accessing properties for inspections.

III) Other Business:

A) Master Plan Update:

Vice-Chair Cross updated the Board on the Master Plan Subcommittee's recent meeting with part-time planner, Theresa Walker, the replacement for former Rockingham Planning Commission (RPC) Assistant Director, Glenn Greenwood, regarding work on the Master Plan that has been updated every five to ten years. Vice-Chair Cross stated that the Subcommittee was working on the vision, objective, future goals and build out with RPC. He added that RPC's focus was to work on the maps next and that Ms. Walker would work on updating the existing land use section. Vice-Chair Cross stated that they were looking to streamline the 2020-2030 Master Plan and went through a mock copy with proposed changes to reorganize and edit the Master Plan.

Chair Hebert commented that he thought they were only going to update the Master Plan dates, Ordinances and RSA's by marking up changes and relocation of each page it as had been written in their contract with Mr. Greenwood and not overhaul it. He said he thought the Board would discuss additional proposals for change if they were warranted, but he had a hard time with the subcommittee changing the content and expressed concern with losing the intent by changing the wording without the Planning Board's input.

Chair Hebert went on to note that the Development Policies had been reduced from thirteen to eight policies and that the goals and objectives were interchanged and being expressed as absolutes. He added that the Master Plan was a tool for the Board to develop ordinances and that he thought that policies held more legal weight in protecting the town objectives. Vice-Chair Cross agreed that it was good to have detail if called before a court, but they also needed to be able to access the detail.

Vice-Chair Cross replied that his goal was to consolidate duplications and for details to go into appendices so as not to lose anything. Mr. Welch addended that the existing Master Plan was very verbose and they tried to replace the previous wish list with something more definable, but he agreed that they could replace anything that was missing and continue to firm up the language. Mr. Coogan stated that he liked the approach with goals and strategies.

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Chair Hebert stated that they needed to keep the residential reference in the goal to retain rural character as the highest priority. Vice-Chair Cross replied that the thought rural character should be broader and included in the Commercial and Office Districts as they had done for the Beane Farm on Woodbury Avenue as they needed to consider the possibility of future development over reaching land use. Vice-Chair Cross added that he wanted to restore a greater access to the old farm lands in the Great Bay Wildlife Refuge that had been closed by U.S. Fish and Wildlife.

Chair Hebert recommended that the Board conduct a Master Plan work session each month to be sure that important points be captured and not lost.

Mr. Christopher agreed that he thought the subcommittee was going to line out items that would be omitted and show what would be added. Mr. Stern added that Board members were presented with changes without the existing Master Plan for comparison. Chair Hebert agreed that the Board needed a copy of the existing Master Plan to make an informed decision. Vice-Chair Cross replied that he could present a comparison of changes, but the only way that would work would be to go through all the changes with the entire Board and that took two years to complete during the last revision. Chair Hebert commented that much time had already passed considering all the delays.

Vice-Chair Cross stated that he hoped to return to the Board with changes in June.

Minutes:

Chair Hebert commented that a draft version of Minutes had been posted on the Town website recently and the Board had previously asked that the Minutes not be posted until they were approved and adopted by the Board at the next meeting.

Bernie Christopher moved that only the Planning Board's approved final Minutes be posted and that the Draft Minutes not be posted on the Town website. Rick Stern seconded the motion and all were in favor.

Chair Hebert recommended tabling approval the May 14, 2018 Minutes from the previous week because they had only just been received.

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Adjournment: Rick Stern *moved to adjourn the meeting. Bernie Christopher seconded the motion and the meeting adjourned at 9:14 p.m.*

Next Meeting: Monday, June 11, 2018

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

These Minutes were approved and adopted at the June 11, 2018 Planning Board meeting.