

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, September 11, 2017

- Call to Order:** Chair Denis Hebert called the September 11, 2017 meeting at 6:30 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Jack Pare; Jim Weiner; Alternate Members: Peter Welch; Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Board member, Bernie Christopher; Alternate Board members, Ken Latchaw and Rick Stern
- Public Guests:** Michael Berounsky; Attorney Tom Keen; Chris and Laura Rogers; Constantine Routetski; Joe Mitchell; Glenn Greenwood, Assistant Director of Rockingham Planning Commission

1) Old Business: Continued Public Hearing for subdivision proposal by Michael Berounsky regarding his property located at 30 Swan Island Lane, Tax Map 53, Lot 9.

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

The applicant, Michael Berounsky stated that he was very frustrated with the process of seeking approval for his two-lot subdivision application. Mr. Berounsky asked that any remaining escrow funds be returned. Chair Hebert asked Mr. Berounsky if he was withdrawing his application and Mr. Berounsky confirmed that he was as he walked out of the meeting, followed by the abutters.

Chair Hebert expressed surprise that Mr. Berounsky was withdrawing his application and consulted Board members, Town Planner, Gerald Coogan, and Glenn Greenwood, Assistant Director of Rockingham Planning Commission who was in the audience.

Chair Hebert called a brief recess at 6:45 p.m. while he consulted Town counsel, Attorney John Ratigan by phone. Chair Hebert reopened discussion at 6:52 p.m.

The consensus was that the Board should vote to accept Mr. Berounsky's withdrawal of his two-lot subdivision application.

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Jack Pare moved to accept Michael Berounsky's verbal withdrawal of his subdivision proposal regarding his property located at 30 Swan Island Lane, Tax Map 53, Lot 9. Jim Weiner seconded the motion and all were in favor.

II) Other Business:

A) Affordable Workforce Housing

(This item was delayed in order to hear item D) next.)

D) Master Plan Update: Presentation by Glenn Greenwood, Assistant Director of Rockingham Planning Commission (RPC)

Mr. Greenwood and the Board discussed the latest draft of the online survey test and recommended changes by the Board.

Mr. Greenwood commented that the public sessions would further help the Board identify public concerns for the Master Plan. Chair Hebert expressed concern that the Board might be opening the door to criticism of the Board's vision instead. Mr. Greenwood replied that the Master Plan was still the Board's document and so they needed to frame the discussion as information gathering.

Mr. Greenwood discussed possible dates to hold three consecutive, two-hour public information gathering sessions from late October to early November (final dates to be announced) that would include specified topics. Discussion ensued whether invitations should go out to other boards and Mr. Greenwood replied that these sessions were for the public so other board members could attend and contribute to the discussion.

Discussion continued regarding changes to the Master Plan and what should be added, changed, deleted or kept. Vice-Chair Cross commented that the main document only needed a map and reference to the glossary, not the history of water resources and an extensive chapter on soils. Mr. Welch agreed that they were suggesting that the document be edited down. Chair Hebert replied that it sounded more like a rewrite than an update and that historic reference would be lost. Mr. Weiner commented that his understanding was that Vice-Chair Cross suggesting that they move the definitions throughout the text to the appendix. Vice-Chair Cross agreed, saying they wouldn't take anything important out.

Mr. Coogan suggested that the update include the vision statement, land use, housing and transportation, and then the next year the Board could determine what they wanted to do next.

A) Affordable Workforce Housing

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(This item was delayed in order to hear the previous item first.)

Mr. Coogan passed out a summary of the discussion on affordable workforce housing from the previous meeting, noting that the Board had concluded that affordable single-family workforce housing was not economically feasible in town and multi-family workforce housing of 20-25 units was not feasible in town either due to a lack of municipal sewer service. Mr. Coogan suggested that an area for workforce housing of five units should be designated, however.

Mr. Weiner commented that only Patterson Lane and Shattuck Way were in proximity to Town sewer lines. Mr. Pare added that there was also a sewer line behind Mitchell's Gulf station near the old drive-in theatre where the Department of Transportation (DOT) laydown area was along the highway. Chair Hebert reminded the Board that the Master Plan specifically earmarked Town sewer for the Commercial, Industrial and Office zones and prohibited residential hookups. He added that even though residents of Patterson Lane would like to hook up to the Town sewer line, it would not be fair to other residents on private septic systems. Mr. Coogan asked if the restriction was listed in the sewer ordinance and Mr. Pare replied that the Town Meeting Minutes when it was voted in would confirm the restriction.

Chair Hebert stated that the previous Town planner had suggested cluster housing of twenty single-family residents on a smaller lot with their own sewer treatment and communal greenspaces in the 1990's, but the Board at the time was unanimously against it and contractors weren't interested in the additional costs.

Vice-Chair Cross commented that there was a recommended allocation of 10% workforce housing for every town at that time. Mr. Coogan replied that allocation was in response to the Chester vs. Britton case, but the law had since been codified. Vice-Chair Cross commented that the current law was a result of cities supporting housing in outlying areas to address housing problems for their workforce.

Chair Hebert stated that the Ordinance should capture the fact that every lot was a potential workforce lot in the form of an Accessory Dwelling Unit (ADU). He added that with 300 homes in town, there was a potential of 300 ADU's. Mr. Weiner suggested identifying how many legal ADU's were in town to get an accurate number. Mr. Coogan replied that they determined that there were 28 ADU's in town last year that were paying taxes. Vice-Chair Cross suggested identifying renters by asking to the Town Clerk to identify how many different addresses were used to register vehicles. Chair Hebert said it was up to the Board of Selectmen to enforce separate dwellings.

Mr. Coogan added that the law only required that city and town ordinances not discriminate against the development of multi-family workforce housing by requiring two to three acre lots or limit the number of bedrooms.

Vice-Chair Cross commented that Newington provided some workforce housing with ADU's, but the development of multi-family housing was not economically feasible

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in Newington without a subsidized housing authority like those in Portsmouth or Manchester because of lot prices.

Discussion ensued regarding possible ways of providing affordable, multi-family workforce housing, including mixed use in the Commercial District with commercial businesses on the lower levels and residential on upper levels or smaller communities within the town. Chair Hebert cautioned the Board that once a property or zone turned residential it seldom changed back to commercial except in the case of urban renewal.

B) Potential Zoning Amendments

1) Height Restrictions

(This item was added to the agenda for further discussion from the previous meeting.)

Mr. Coogan passed out a proposal for a new definition on height.

Mr. Pare commented that the definition referenced a measurement from the predevelopment level. He said he was concerned that as less desirable land was available for development, more developments would have raised septic systems along with buildings constructed on mounds, such as the new home being built on Nimble Hill Road. Chair Hebert added that building a home high off the shoreline could cause others to build their homes even higher above the tree lines below.

Vice-Chair Cross commented that a house built up on a mound might look fine in a different location such as Old Post Road. Mr. Pare replied that an applicant could go before the Zoning Board of Adjustment for a variance. Chair Hebert commented that the Planning Board also might be able to grant a Special Exception if necessary. Vice-Chair Cross added that a Special Exception to go over the pre-development conditions could be granted due to a condition of the land, such as a swale or valley, but not a hilltop. Mr. Coogan stated that he would check to see if a Special Exception would be acceptable before finalizing the proposed ordinance.

2) One Principal Building per Lot

Chair Hebert stated that he wanted to leave the Ordinance as it was. Vice-Chair Cross commented that allowing more than one building per lot would need to be an exception confirming that the lot wouldn't be over-developed and that adequate frontage, parking and travel lanes would be established.

3) Commercial and Waterfront Industrial Permitted Uses

Mr. Coogan read through permitted uses in his handout.

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P 6 budget 2nd para not sense, re \$8K toward \$18 allocation, take out, of COAST, remove entire para.

Mr. Welch asked the Board what they thought of allowing cruise ships into the port. Mr. Coogan replied that Newington didn't have infrastructure to support cruise ship layovers. Mr. Welch agreed that a pier would need to be developed.

Mr. Weiner asked if they might consider putting in a boardwalk leading to kitschy shops and accommodations on the second floor and industry on the first floor. Chair Hebert replied that they were trying to prevent a high density use of people like a commercial cruise ship, which didn't mix with industrial use in a working port and would make evacuation difficult.

Vice-Chair Cross added that the Port Authority saw the danger of residential encroachment in 1960's. Mr. Welch said the Port Authority was thinking of buying land on the other side of Market Street to keep their port active, but the legislature wouldn't contribute and their budget wasn't large enough.

Mr. Welch asked the Board what they thought of container ships and Chair Hebert replied that there were more negatives from roll-on/roll-off vehicles, sitting in large parking lots with no tax revenue. Mr. Pare commented that container ships were also used for trailers full of containers for local delivery. Chair Hebert agreed that container ships could be valuable for the region, but said he would rather see raw materials come in for assembly or manufacturing than roll-on/roll-off vehicles stored on pavement.

Chair Hebert commented that the Ordinance said if a use was not listed, it was not permitted so it wasn't necessary to change it, but he wanted to know if something like cruise ships should be excluded.

Discussion ensued regarding encouraging high industrial uses for the Waterfront Industrial Zone and issues of exclusivity, inclusivity and safety. Chair Hebert advised Board members to consider possibilities further and continue discussion later.

C) Planning Board Budget

Chair Hebert informed the Board that the Board of Selectmen asked that they keep the budget the same as the previous year. He asked if they should retain a budget line for Master Plan updates. Mr. Weiner agreed and said they could always return the budget line if it wasn't spent.

Chair Hebert commented that the COAST patrons riding to and from the Commercial and Industrial zones contributed to the region so the Town should continue to support.

Chair Hebert said they would also increase Mr. Coogan's hourly rate and include his insurance costs.

Chair Hebert informed the Board that he would have Town Administrator, Martha Roy put the budget together for the next meeting and then present it to the Board of Selectmen during the first week of October for approval.

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Minutes: *Peter Welch moved to approve the Minutes for the August 28, 2017 meeting with corrections as noted. Jack Pare seconded, and all were in favor.*

Adjournment: *Peter Welch moved to adjourn the meeting. Jack Pare seconded the motion and the meeting adjourned at 9:30 p.m.*

Next Meeting: Monday, September 25, 2017

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

These Minutes were approved and adopted at the September 25, 2017 Planning Board Meeting.