

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, September 25, 2017

- Call to Order:** Chair Denis Hebert called the September 25, 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: Ken Latchaw; Rick Stern and Peter Welch; Board of Selectmen's Representative, Mike Marconi; Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Bernie Christopher
- Public Guests:** Robert Siede; Ruth Fletcher; Jeanne Haskins; Paula Knox; Joe Mitchell

### I) New Business:

A) **Preliminary Consultation:** for Subdivision proposal by **Robert A. Siede**, of the Adams Homestead at 148 Nimble Hill Road, Tax Map 1, Lots 11, 11A and 11-13.

Robert Siede, son-in-law of Paula Knox appeared before the Board with a proposal for a two-lot subdivision that would impact the surrounding family lots owned by Granville Knox, Jr, Ronda Baker-Hill and Jeanne Haskell.

Mr. Siede's preliminary proposal involved extending the cul-de-sac at the end of Coleman Drive to provide sufficient frontage for his lot and Jeanne Knox's lot instead of using will also create frontage for Ms. Knox instead of accessing the lots through a right-of-way though Ms. Baker-Hill's lot and make Mr. Knox's lot more conforming.

Mr. Siede stated that he had talked with Terry Desmarais at the City of Portsmouth Public Works said they would need to pay for a fire hydrant, but the City would do the installation. He said they would need a utility easement because the property was currently private.

He said they also needed to determine how an additional home would affect the water pressure for the rest of homes on the street.

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Mr. Siede added that currently all the power poles were above ground and 125 feet apart, so they would probably request a waiver so they wouldn't have to bury their power line underground for 200 feet. He said they would work with Eversource for the best solution.

Mr. Siede said he was clearer on what needed to be done since he first appeared before the Board a year earlier, but he wanted to know if the Board had anything further to add before he hired a surveyor and a civil engineer to design the road.

Chair Hebert recommended that he widen the corner of the cul-de-sac so fire and delivery could make the turn out.

Board of Selectmen's representative, Mike Marconi asked if the cul-de-sac would be a Town owned road and Mr. Siede replied that they would eventually petition the Town to accept it. Mr. Marconi stated that they would need to be sure to the road design was to Town specifications so buses and plows could navigate the circle.

Mr. Siede added that they would also remove the current cul-de-sac, see it with grass and maintain the area prior to the Town taking the extension over. Chair Hebert stated that the Board of Selectmen would oversee phasing in the existing circle to the new extension.

Chair Hebert asked if one of the abutters owned the Town's easement where the current cul-de-sac was widened. Mr. Marconi said he thought it was previously owned by the Coles and the Flynns. Chair Hebert replied that it would probably revert to the abutters after the new cul-de-sac was put in. Vice-Chair Cross commented that if Coleman Drive was a right-of-way it could go back to the owner, but a legal transfer of title would be required if it was deeded.

Chair Hebert asked Mr. Coogan to get back to him regarding the ownership of the cul-de-sac expansion. Mr. Marconi commented that the discussion at the time would be in the Board of Selectmen's Minutes.

Mr. Marconi stated that water flowed behind Mr. Flynn's, Mr. Mueller's and his property from Mr. Knox's property. He asked how he intended to drain any runoff that the current lot absorbed current water. Chair Hebert stated that a civil engineer would need to review the drainage.

Vice-Chair Cross added that they would need a wetlands assessment for the drainage area as well and the road would require swales. Mr. Siede replied that they might prefer to leave the gravel. Vice-Chair Cross said they might use the center of the cul-de-sac for a drainage structure.

Town Planner, Gerald Coogan added that the applicant's wetland scientist would need to coordinate with Mark West, the Town's wetland consultant.

Mr. Marconi asked if the family living on the abutting lots were on Town water and Ms. Knox said they were. Mr. Marconi stated that there had been six water line breaks in three years so Town had been talking about to the City of Portsmouth about replacing the line.

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Mr. Coogan asked if would be last subdivision for this parcel and Ms. Knox replied that it might not be. Chair Hebert suggested that they consider extending the cul-de-sac further now to avoid greater costs later. Mr. Siede replied that they had considered extending the road further, but they were not prepared for the expense of extending the road another 400 feet now.

Mr. Coogan said the family provided a complete build out plan for the complete 25 acres and then another plan that included an open space easement for the Adams Homestead. He asked if they were still interested in pursuing a conservation easement. Family member, Ruth Fletcher said they were still interested in establishing a conservation easement. Jeanne Knox said that Duane Hyde with Southeast Land Trust was getting appraisals and working on funding options. Chair Hebert recommended that they also work closely with the Conservation Commission as they would be working on their agenda for 2018 and would need to start setting funds aside.

Chair Hebert informed the applicant that the Board was aware that a subdivision for a single lot could be very expensive, but they still had to follow the regulations. Mr. Siede said he understood and that he would return when he had more of the details worked out.

**B) Ethical Principles in Planning:** Handout from the American Planning Association, 1992

Mr. Coogan stated that this agenda item was about an informational handout he received at a conference he recently attended and no further discussion was needed.

### **II) Other Business:**

#### **A) 2018 Planning Board Budget**

Chair Hebert and the Board said they cut \$60,000 from the budget last year and that Town Administrator, Martha Roy asked that they keep the budget flat this year.

Chair Hebert said he was not sure how much of a contribution COAST public transportation services would be requesting from the Town until he attended their annual budget meeting in the next week, but he expected it to be increased by \$3,000 this year. He said they expended the Air Mitigation Fund to cover all but \$1,000 last year. He said some people were not in favor of supporting the service, but it kept passing at Town Meeting every year.

Mr. Marconi suggested that the COAST contribution be taken off the Planning Board budget and put on the Board of Selectmen's budget. Chair Hebert said he would be fine with the switch so long as COAST was still supported.

Vice-Chair Cross said he thought it was a reasonable contribution, but several communities were no longer supporting the service. Alternate Board member, Rick

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Stern commented that it was still important to support mass transportation for both the businesses and patrons.

Vice-Chair Cross commented that ridership was down, which it often did when the cost of fuel went down and usage would go up when the cost of fuel went up. Chair Hebert added that although the service wasn't used often by Newington's residents, it still supported workers from outside, and he thought mass public transportation would increase just as C&J transportation went from a small number of vans going to Boston to a fleet of buses. Mr. Pare added that supporting COAST was another way of supporting local workers who were in affordable workforce housing in surrounding communities.

Alternate Board member, Ken Latchaw commented that the regional career technical programs in the tri-cities used the COAST bus services regularly and asked if it was possible to provide backup data regarding ridership to mail. Chair Hebert replied that they provided all the data to anyone asking last year, but no one was interested in reading it. Mr. Latchaw asked if a summary was available because he was surprised how they counted riders from stop to stop instead of where they boarded and exited.

Chair Hebert said they cut \$60,000 from the budget last year and they were trying to keep the budget flat, but Town Administrator, Martha Roy informed him that they still needed additional administrative support while they were digitizing records so he added another \$10,000 to that line item. Chair Hebert said they were also increasing the contract services line item for third year for the planner who also supported the Conservation Commission and the Zoning Board of Adjustment in addition to the Planning Board. He said the former full-time Town planner was paid a salary for 40 hours a week and Mr. Coogan was now paid hourly for 15 to 20 hours a week, but that might increase if the Board of Selectmen needed more hours for their economic development plan.

Mr. Coogan pointed out that the budget for Rockingham Planning Commission would need to be encumbered into next year's budget as their contracted services would not be completed by the end of the year and the Board agreed.

*Rick Stern moved to approve the recommended 2018 Planning Board budget in the amount of \$192,022. Chris Cross seconded the motion and all were in favor.*

#### **B) Master Plan Update**

*This item was delayed to hear the following item first.*

F) Follow-up regarding subdivision proposal by **Michael Berounsky** regarding his property located at 30 Swan Island Lane, Tax Map 53, Lot 9.

*This item was added to the agenda and taken out of order.*

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Mr. Coogan said he had done an accounting of Mr. Berounsky's escrow and determined that there was an outstanding balance for a second legal opinion. Chair Hebert stated that the Board should take a vote to waive the legal costs and write a letter of explanation to Mr. Berounsky.

*Jim Weiner moved to waive the legal costs against Michael Berounsky's escrow account for his subdivision application his property located at 30 Swan Island Lane, Tax Map 53, Lot 9 that was withdrawn on September 11, 2017 and have Town Planner, Gerald Coogan send him a letter of explanation. Chris Cross seconded the motion and all were in favor.*

#### **B) Master Plan Update**

*This item was delayed to hear the previous item.*

Mr. Coogan stated that the survey link and public sessions for input were posted on the Town website. Mr. Coogan said the public sessions would be held on Wednesdays, October 25, November 1, and November 15, 2017 from 6:30 p.m. to 8:30p at the Town Hal auditorium.

Vice-Chair Cross added that it had been determined to post the survey link instead of mail the survey to residents.

Mr. Latchaw reminded Mr. Coogan to put a notice of the survey link and meetings on the Town announcement board near the fire station. Mr. Weiner added that a link should also be added to the Newington Residents Facebook page.

Mr. Latchaw asked what kind of response was expected and Vice-Chair Cross replied that they were only looking for 100 to 120 respondents, which would be a third of the households in town.

Vice-Chair Cross stated that Mr. Coogan had worked with Julie LaBranche, Senior Planner at Rockingham Planning Commission for \$8,000 of SeaGrant funds, which would be integrated with the Master Plan.

Vice-Chair Cross said Ms. LaBranche sent in a draft letter to businesses along the Waterfront-Industrial zones to discuss the concerns regarding increased precipitation, rising sea levels and storm water impacts. He said emergency management was under the jurisdiction of the fire and police departments, but Rockingham Planning Commission would look at the maps and consider how the Town could consider the topic in the Master Plan.

Alternate Board member, Peter Welch pointed out that Great Bay Marina was incorrectly listed as being in the flood zone and suggested that Ms. LaBranche's draft letter be reviewed for corrections before it was sent out.

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Chair Hebert asked Mr. Coogan to send out a memo to remind everyone of the public session dates.

Chair Hebert said he also wanted to invite Geno Marconi, Director of Ports and Harbors for New Hampshire Port Authority to the Board on Monday, Oct 23, 2017 at 6 p.m. and start the Planning Board meeting between 6:30 p.m. and 7 p.m.

Mr. Marconi said the Board of Selectmen and the public would also be in attendance for Geno Marconi's informative presentation.

### C) 2018 Zoning Amendments

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

Discussion continued regarding a revision to the building height ordinance. Mr. Coogan handed out a handout with a draft definition for discussion of the following change:

***Building Height:*** *The vertical difference between the lowest ground elevation of the predevelopment (or redevelopment) at the envelope of a building structure or wall and the highest elevation of the roof, parapet, wall or uppermost part. Chimneys, vents or utility services structures shall not be included in the measurement of vertical dimensions.*

Discussion ensued regarding ways to measure and limit building height rather than using an average height of peaks. Chair Hebert asked the Board if they thought using an average height was bad. Mr. Pare replied that it was not possible for the average person to get an average without a kilometer and builder plans.

Mr. Pare said the problem with a 35-foot height limit was that a house could be built on a mound. He suggested clarification to make the measurement from the lowest point of the natural contour of existing condition because many developments were being built on mounds to raise the septic systems on wetter lots, but measuring from the lowest point would still allow a standard two and a half to three story Colonial with a low pitch roof to be built. Vice-Chair Cross commented that the Board couldn't limit tall development to only Colonial structures however.

Mr. Latchaw commented that more developers going for septic approvals on wet areas would be inclined to build on mounds. Mr. Pare agreed that many people were building on mounds to allow for gravity flow to the septic, but putting a holding tank or a grinder pump in the basement out to the septic or leach field would also work. Mr. Latchaw commented that it was more said more appealing to build on a symmetrical mound than build up a septic mound on a flat lot. Chair Hebert replied that it depended on topography and he was still concerned that a house would tower over surrounding

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homes. He suggested having the Board could consider Special Exceptions for extenuating circumstances.

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

Discussion continued regarding a revision to the building height ordinance. Mr. Coogan handed out a handout with a draft definition for discussion. The following sentence at the end of Description and Purpose: *"In addition, the docking of commercial cruise ships is not an appropriate use due to the existing heavy marine use in this zoning district"* was added

Chair Hebert said he was not in favor of cruise ships because of impacts to the infrastructure that would not be recouped through local businesses. Mr. Marconi noted that only a 135-foot ship could come up to the waterfront, not a mega cruise ship and agreed that they should wait until his brother, Geno did his presentation.

The Board also considered other possible uses for the Waterfront-Industrial District.

### 3) Correspondence and Status Report: by Town Planner

Mr. Coogan handed out his status report memo and an article on the effects of planning and zoning rules on New Hampshire housing and businesses for the Board's review.

### III) Announcements:

Mr. Marconi announced that signs were going up to reduce speed limits from 35 miles per hour to 30 miles per hour through town. Mr. Latchaw said they were also talking about replacing the old signs with nighttime illuminating signs as well. Chair Hebert suggested putting up a notice of the change on an electric portable sign to alert every one of the change. Chair Hebert said also electronic sign flashing near Holiday Inn on Woodbury Ave in Portsmouth works well.

Mr. Latchaw commented that an average of 3% of 2,300 cars traveling over a 24-hour period were speeding, but 17-20% of 1,800 cars were speeding between 11 a.m. and 5 p.m.

Mr. Marconi added that the school zone was changing also school zone down from 25 miles per hour to 20 miles per hour when blinking. Mr. Weiner mentioned that the school zone sign flashed when approaching the hill, but not from the other direction and needed to alert drivers of the traffic change from both directions. Mr. Pare added that there should be a timer to turn the blinking lot off when school was not in session.

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Chair Hebert also mentioned that there was no sign to indicate where the school zone began and ended either. Mr. Marconi replied that the Board would address those items as well.

Mr. Marconi announced that there would be a suggestion and informational box at Town Hall and the Transfer Station to allow townspeople to express concerns without involving the administrative assistants in the office.

Chair Hebert announced that Mr. Pare had submitted his resignation, but he still owned property in town and offered to in walking Town boundaries in October or early November for the Board of Selectmen before he left.

Chair Hebert said Mr. Pare had served on the Board for fourteen years and done a lot of work, including work on the on flood plain date for FEMA updates as he presented him with a recognition plaque.

**Minutes:** Ken Latchaw *moved to approve the Minutes for the September 11, 2017 meeting with corrections as noted. Mike Marconi seconded, and all were in favor.*

**Adjournment:** Jack Pare *moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 9:03 p.m.*

**Next Meeting:** Monday, October 16, 2017

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

*These Minutes were approved and adopted at the October 16, 2017 Planning Board Meeting.*