

TOWN OF NEWPORT, NH
Minutes of the Planning Board Meeting
January 10, 2023 – 6:00 P.M.
Board of Selectmen’s Room
15 Sunapee Street
Regular Meeting and Public Hearing

MEMBERS PRESENT: David Burnham, Chairman; Ken Merrow, Vice Chairman; Tobin Menard, Michael Luccio, James Burroughs, BOS Representative; Bert Spaulding, Sr., alternate; (via zoom) Herbert Tellor (BOS alternate) -until Mr. Burroughs (BOS representative) arrived at the meeting

MEMBER(S) ABSENT: Ray Kibbey

VIDEOGRAPHER: NCTV

STAFF PRESENT: Christina Donovan, Planning and Zoning Administrator

CASE REPRESENTATIVES: Ethan Beal, P.E. Project Manager; Hayner/Swanson, Inc.; Julie Spence, AIA; Project Architect, Lavallee Brensinger Architects; (via zoom) Ed Emond, BA; Newport School District

CALL TO ORDER: Acting Chairman Merrow called the meeting to order at 6:03 p.m. followed by a roll call of sitting members. Mr. Bert Spaulding, Sr., alternate; was appointed to sit for the vacant seat.

AGENDA REVIEW: Mr. Spaulding, Sr. stated he would be unable to vote on the active case due to a conflict of interest. Staff informed Acting Chairman Merrow that the applicant for case 2022-SPFP-3: North Newport Land Holdings, LLC formally requested a continuance to the next Planning Board meeting. Ms. Donovan asked for a motion with date and time certain. Mr. Burroughs made a motion *to continue Case 2022-SPFP-3 to February 14, 2023 at 6 pm in the BOS Room.* It was seconded by Mr. Menard. *The motion passed 6-0-0.*

CONTINUED BUSINESS: none

Mr. Spaulding, Sr. recused himself for voting from Case 2023-SPFP-1 due to a conflict of interest.

NEW BUSINESS:

2023-SPFP-1: Newport School District. Agent: Hayner/Swanson, Inc. Request final review to approve site plan for the property identified as Map 227 Lot 017 and Map 109 Lot 119. The proposal is to construct an Agricultural Technical Center Building. The property is located at 243 and 245 North Main Street in the Single-Family Residence (R1) Zoning District.

Acting Chairman Merrow asked if members had been able to review their packets. He asked for a motion to accept as complete. Acting Chair Merrow asked for one condition:

- ❖ The front page of the packet does not show any exterior lighting and no photo metrics are shown. It was an essential omission in their plans.

Ms. Donovan stated she had asked Mr. Thomas Zajac, Jr., P.E., Hayner/Swanson about the exterior lighting. She had not received a response (as of January 10, 2023). She believed it should be discussed by the Planning Board. She had no information on the exterior lighting on the building. The Board was told that no additional exterior poles were planned to be added to the exterior of the building.

Ms. Julie Spence, AIA; joined the meeting at 6:06 pm

Acting Chairman Merrow said that one of the items on the Planning Board checklist was photo metrics and lighting. If the Board wanted to move forward, they could accept the application as complete with the condition that it (photo metrics and lighting) will be followed up with.

Mr. Spaulding, Sr. asked the presenter if the “northwest” had been changed to “northeast” on the document Site Plan Project Narrative on paragraph three, line two. He was told it had; a new version had been produced for the Planning Board members.

Mr. Burnham joined the meeting at 6:08

Acting Chair Merrow addressed Mr. Burnham and gave a synopsis of the Board’s actions in the meeting. There was no exterior lighting or photo metrics in the Board packets. He said if the application was accepted as complete it needed a condition of lighting/photo metrics.

Mr. Spaulding, Sr. stepped down from the Board for Case 2023-SPFP-1. There was a quorum with the attendance of Mr. Burnham.

Mr. Burroughs made a motion ***to accept the application as complete with the condition that a photo metric plan and lighting plan will be presented to the Planning office for approval.*** It was seconded by Mr. Luccio. ***The motion passed 5-0-0.***

Acting Chairman Merrow opened Case 2023-SPFP-1. He acknowledged the presenters.

Mr. Ethan Beal, P.E. addressed the Chair and introduced himself, Ms. Julie Spence, AIA; and Mr. Ed Emond (via zoom). He read allowed a prepared statement which included the project's land usage, its ownership by the Newport School District, proposed demolition and site development, the fact that nothing would impact area wetlands and reminded the members that decisions by the Planning Board were nonbinding per RSA 674:54. A few light poles and light packs (mounted on the agricultural building) will be added; they are not noted on the plans. All lights will be compliant with the Newport zoning regulations (full cutoffs, dark sky and downcast). Mr. Beal stated that the team had looked extensively at the site to find the most optimum places for the agricultural program structure.

The project construction will begin spring 2023 and be completed by December 2024. Construction will begin on the Ag building in summer 2023 and the projected completion date is January 2024.

Ms. Julie Spence, AIA addressed the Board members and stated the (new) location of the Ag and Natural Sciences Programs will be in a separate building from the main Career and Technical Education (CTE) building.

Mr. Beal concluded, stating:

- ❖ Lighting had been added late in the development phase. He will be happy to coordinate plans showing those features with the Town staff.

Mr. Burnham asked what the building changes on the southern part of the property will be. He was told the Sugar Shack will be moved, the current Ag building and barn will be used by maintenance.

Mr. Burroughs asked about the current maintenance building. Ms. Spence said that during construction it would be used by the construction team, afterwards it will be removed.

Acting Chairman Merrow asked if a storm water maintenance plan had been developed. He was told a maintenance manual that will be provided to the School District once Hayner/Swanson, Inc. receives the final design. It will include the plan and timeline to conduct each test. Acting Chairman Merrow addressed Ms. Donovan and stated it needed to be a condition of approval; that it needs to be filed with the Town to ensure it (maintenance tests) is implemented. He asked Mr. Beal if all the hydrology tests had been done to ensure the system will be able to hold the stormwater. Mr. Beal explained the system to Acting Chairman Merrow and its potential overflow. Acting Chairman Merrow stated it was not noted on the site plans the Planning Board members had. Acting Chairman Merrow stated that the au flow should be directed northeast, not north. North would empty onto the school's new playing field. Mr. Beal agreed; it will be changed to mitigate that.

Mr. Menard asked if sidewalks and crosswalks were going to be put in; the Ag and Natural Science building was separate from the main building. He was told there was a formal sidewalk and crosswalk planned; it was indicated on the site plan. The markings on the parking lot were reviewed by the Board and Mr. Beal. The ability to have large vehicles drive up to the building was discussed as well as any change in the location of the current light poles in the parking. The use of the utility lines for the new building was reviewed as well. Acting Chairman Merrow asked Ms. Donovan if there had been follow up by the Water and Sewer Superintendent concerning the school mains. Ms. Donovan had not been given information. Mr. Todd Cartier (Town PWD) stated that when the school dug up to tie into the Town mains, if the school lines were deteriorated, the pipes would need to be replaced.

Mr. Beal emphasized that the programs would only be moved from one area of the building to the new area.

There would not be additional teachers or students added who would create added water or sewer usage on site.

Acting Chairman Merrow explained he was following up on concerns from the staff (department) reviews. There was a question about the sewer line that is currently at the school because it has been problematic in the past. If new bathrooms were added in the new facility there will be different flows. Mr. Beal agreed and stated the potential problems with underground utilities. He said the flow from the site should be the same as is already at the school. He would be happy to scope the pipes as Acting Chairman Merrow recommended.

Acting Chairman Merrow opened the hearing to the public.

Mr. Ed Karr addressed Chairman Merrow with two items. He said the school sewer was the ‘end of the line’ and was the reason for not continuing and having bathrooms for the huts at the athletic facilities.

Mr. Karr stated he had learned how RSA 674:54 worked. He said that basically the Planning Board was just listening to the (school) proposal. Mr. Merrow agreed with Mr. Karr, stating that the school could state “municipal exception” and go ahead with their project (without following any requests from the Planning Board). Mr. Karr stated that in 2007 an addition was proposed to the school. One item that came up was the recreational facility to the north (tennis courts and hockey rink) had been built with a grant. There was a stipulation to the grant. In order to remove either, they had to return the money from the grant or replace it “in like”. That became part of the cost of the proposed new school.

Mr. Karr said it was an old grant. He asked if anyone had researched if it was still viable or if the Ag building overrides it. He gave a worst case scenario of the school building the Ag building and then having to tear it down. Acting Chairman Merrow stated that the RSA dealt with the planning and zoning regulations. The grant issue is something that the school should be able to answer. Mr. Karr agreed; it is a concern of his.

Mr. Emond stated that his understanding was that the original hockey rink that was at the proposed Ag location was not part of the grant that built the fields and such. Therefore there wasn’t an impact on the old grant. Mr. Karr stated that wasn’t what they had learned in 2007. He stated that Mr. PJ Lovely was part of the search team; they were looking for an area for another recreation field. He (Lovely) knows about it; was in contact with a representative concerning grants.

Mr. Burroughs asked Mr. Karr to share the information he had with the school.

Mr. Emond said he would have someone look into the possible conflict and report back. He also stated he had been in contact with the maintenance manager for the School District. The high school is planning to replace its sewer lines from the high school and middle school this spring (2023) as planned maintenance. He stated this was the reason the architects did not know about it. When asked, Ms. Donovan stated that neither she nor the Public Works Director were aware of the maintenance plans.

There were technical difficulties with zoom and Mr. Emond was unable to continue additional explanation.

Mr. Emond said he would ask Mr. Rodney Page to contact the Public Works Department. His understanding was the new building was tying into the old building. The old building’s sewer line (to the street) was being replaced in the spring 2023.

Acting Chairman Merrow stated there was no documentation about it.

Mr. Karr asked that the Planning Board look into and verify that the recreation grant for the high school complex is still valid. Mr. Merrow said that the responsibility was the School’s. If Mr. Karr was right they would be in default of the (old) grant. Mr. Karr again asked that they look into it. He didn’t want the School to build something and have to tear it down. When asked, Mr. Karr stated he believed the grant was to the Town. He explained his understanding of the history of the land and the school building.

Ms. Donovan stated she would look in her archives for the grant. She stated that Mr. Emond seemed to have knowledge of it. There was a brief discussion on the date of the grant. It was estimated that the grant was awarded in the 1970s.

There were technical difficulties with zoom and Mr. Emond was unable to discuss items again.

Mr. Burnham agreed it should be investigated. There was a brief discussion on the removal of the tennis courts (also grant) and hockey rink.

Mr. Beal addressed the Chair and stated that on behalf of the building team, it was something they would be happy to look into. He will verify and confirm everything. Acting Chairman Merrow asked Mr. Spaulding, Sr. if the School Board has had a conversation about this yet.

Mr. Burroughs said that they could go back to the last school project; that project would have information. It could be shared with the School; make sure it was done right. Mr. Karr offered to share his information with the team.

Mr. Spaulding, Sr. addressed the Board and stated that if there was an encumbrance with the deed, it should be recorded with the Sullivan County Registry of Deeds. If it is not, how does the next person (owner) know? If Mr. Karr had not raised the question, we would not have known. Acting Chairman Merrow asked Mr. Emond if the school had grant files; was there documentation of grants and restrictions. Mr. Emond said he believed they were discussing a Town grant at the Board meeting. Ms. Donovan said she would look for it in her archives.

Mr. Emond stated he had been told that the hockey rink had not been used in four years. It had therefore been torn down.

Mr. Karr objected, saying:

- Two years ago there was Covid; no one could leave their homes.
- Last year they had one week to make ice (weather).
- The previous 33 years there was ice down there. He took offense to the statement of it not being used. The local guys know it has been used (Board members concurred with Mr. Karr). Continuing, Mr. Karr informed Mr. Emond that volunteers, local organizations and town businesses had helped maintain the rink throughout the years (replaced sideboards, etc.). He apologized to Mr. Emond for his remarks; Mr. Emond had been given incorrect information from someone. Ms. Donovan stated she would have to rethink the hockey rink and grant. She did not have the knowledge the Newport residents in the room did. There was a discussion among the residents in attendance and Ms. Donovan; she will research the grant and its stipulations.

Mr. Spaulding, Sr. stated the search needed to be under school and town; because the land is owned by the townspeople. Acting Chairman Merrow stated that it might have been a Town/Rec grant. Acting Chairman Merrow addressed Mr. Emond and asked that he and his school group look for documentation in their files. Ms. Donovan will look for documentation in the Town files.

Mr. Menard suggested talking to Mr. Larry Flint (past rec center director). Acting Chairman Merrow agreed. Acting Chairman Merrow asked if there were additional comments from the Board. There were none. Acting Chairman Merrow stated it was an informational conversation. He thanked Mr. Beal, Ms. Spence and Mr. Emond; the presentation was well put together. The important topics to follow-up with were:

- 1) The stormwater maintenance manual and plan (needs to be filed with the Town to ensure it is implemented)
- 2) The sewer line (replacement). Mr. Beal will have the school bring it to the Public Works Department
- 3) Diagrams for the lighting and photo metrics
- 4) Signage. It was briefly discussed. Lighting for signs.
- 5) New structure. 9-1-1 number required (part of building permit)

Issue of concern was:

- 1) The grant for the recreational facilities and any stipulations

Mr. Karr addressed Acting Chairman Merrow and asked how he would know the results of the Town and School researches? Acting Chairman Merrow said that the contractors will be working in good faith to get the information. Ms. Donovan will also be researching. Ms. Donovan told Mr. Karr she would keep him in the loop concerning the grant. She also offered to forward information concerning the building and the 5 topics listed by the Board.

Acting Chairman Merrow addressed Ms. Donovan and stated the Planning Board members would like to hear from the school board and have them address the grant item. Ms. Donovan listed the groups she would be in contact with concerning the Planning Board's requests. She stated the school board would be asked to present about the grant to the Planning Board; not as a case, as informational.

Acting Chairman Merrow asked Mr. Beal when they proposed to break ground for construction. He was told spring 2023 for the old building; late spring 2023 for the new building (hockey rink area). There was a general discussion between the Board and Ms. Donovan about the possibility of a (old) grant interfering with the construction and the involvement of the BOS in the discussion.

For clarification, Ms. Spence stated that the project was a phased project and that the new Ag/Natural Resources building was under separate permitting.

Acting Chairman Merrow thanked Mr. Beal, Ms. Spence and Mr. Emond for attending the meeting.

In discussion between the Board and Ms. Donovan after the guest presenters left, the items of concern were repeated by the Board and Ms. Donovan:

1. The stormwater maintenance manual and plan (needs to be filed with the Town to ensure it is implemented-part of building permit)
2. The sewer line (replacement). Mr. Beal will have the school bring it to the Public Works Department
3. Diagrams for the lighting and photo metrics

4. Signage. Proposed lighting for sign.
5. New structure. 9-1-1 number required (part of building permit)
6. The grant for the school recreational facilities and any stipulations

Chairman Burnham took over the meeting at the conclusion of the discussion.

Minutes: December 13, 2022

Chairman Burnham asked for a motion on the minutes. Mr. Merrow made a motion *to approve the minutes of the December 13, 2022 Planning Board meeting as presented.* It was seconded by Mr. Burroughs. *The motion passed 5-0-0.*

ADMINISTRATION: All members in attendance signed site plan copies of the Hardscrabble Subdivision and Brodeur for the office files. Ms. Donovan thanked the Planning Board members for the Thank You card they had sent when she was out sick. She had been very surprised.

Mr. Merrow stated the Board was supposed to review the survey for the Master Plan update and see if there were any changes they believed were needed. It had been sent out via email on December 15, 2022. Mr. Merrow asked Ms. Donovan to send out the revised Master Plan survey again. Ms. Donovan will resend out the revised Master Plan survey; the Planning Board will make changes via email, the survey will be approved at the February 14, 2023 meeting and will be mass mailed to the residents of Newport. Mr. Spaulding, Sr. wanted to clarify that Ms. Donovan could not ask the Board to approve the survey via email (the Board could make corrections and offer their opinions. They could not approve it). She had to wait to the meeting. Ms. Donovan agreed. In discussion, Mr. Spaulding, Sr. offered to assist Ms. Donovan with mass mailing information.

COMMUNICATIONS:

Board: none

Public: none

With no more business in the public meeting, on a motion by Mr. Burroughs, seconded by Mr. Menard; *the Board voted to adjourn at 7:16 p.m. The motion passed 6-0-0.*

Respectfully submitted,



Maura Stetson, Scribe

Approved: February XX, 2023

The next meeting of the Planning Board will be on February 14, 2023 at 6 pm in the Board of Selectmen's Room.