

**TOWN OF NEWPORT, NH**  
**Minutes of the Planning Board Meeting**  
**January 12, 2021 – 6:00 P.M.**  
**Board of Selectmen's Room**  
**15 Sunapee Street**  
**Regular Meeting and Public Hearing**  
**Remote Access:**  
**Zoom.com - Meeting ID: 812 9945 3469 Password: 795764**

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**MEMBERS PRESENT:** David Burnham, Chairman; Ken Merrow, Vice Chairman; Tobin Menard *via zoom*: Sean Glasscock, Herbert Teller, Jr., BOS Representative Alternate; John Hooper II, BOS Representative (*via zoom for participation only*)

**MEMBERS ABSENT:** Ray Kibbey

**VIDEOGRAPHER:** John Lunn, NCTV

**STAFF PRESENT:** Christina Donovan, Planning and Zoning Administrator; Hunter Rieseberg, Town Manager

**COMMUNITY MEMBERS PRESENT:** none

**CALL TO ORDER:** Chairman Burnham called the meeting to order at 6:07 p.m. followed by a roll call.

**AGENDA REVIEW:** Accepted as presented.

Mr. Sean Glasscock addressed Chairman Burnham and asked if he could weigh in on the August 18, 2020 minutes when the agenda item was voted on. He was told yes.

**NEW BUSINESS:** Turkey Hill Solar Array-Hunter F. Rieseberg –Charitable Donation of land from Sunny Acres, LLC Located on Turkey Hill, Map259 Lot 006

Town Manager Rieseberg addressed the Board members and gave the history of the “net zero” solar energy goal in Newport. The Town of Newport has been pursuing an organizational "net zero" goal for several years now. In short, it is our goal to generate sufficient renewal solar energy from its own property to offset our consumption of electrical power.

This was initially going to be fully achieved on Town owned property located behind our wastewater treatment plant (WWTP) until permitting and line capacity made developing a large enough array at this location impossible. The site behind the WWTP is now complete and operating at its full design/permitted capacity providing/replacing about 1/3 of the Town's electricity consumption.

In an effort to help facilitate our overall goal of becoming a "net zero" town, Norwich Solar Technologies (NST) has offered to construct additional solar array capacity on the lot in question located on Turkey Hill thereby allowing us to supplement our current production. Once completed, the Town will roughly generate the same amount of electrical power from renewable solar as it consumes. NST will then donate this property to the Town.

The Town will enter into a Power Purchase Agreement with the same terms as it has established for its property behind the WWTP.

RSA 41:14-a requires that the proposed donation be reviewed and that comments be received from the Planning Board and the Conservation Commission - prior to the SB's official acceptance of the donation/property. Included is a copy of the property card and statute for your review.

Chairman Burnham asked if the Board members had any questions.

Mr. Menard stated he believed everything necessary had been discussed at the last Planning Board hearing (2020-SPFP--003: Sunny Acres, LLC (Owner) Troy McBride (Agent)) on December 8, 2020.

Chairman Burnham asked Board members if there were any further comments or questions. Mr. Merrow asked if there were legal releases in place to protect the Town. He wanted to make sure everything was in order to protect the Town.

Town Manager Rieseberg stated if a proposed gift of land had been used, the Town would do a Phase One Environmental Study (an example was the Depot property which had gone before the Planning Board). The proposed property on Turkey Hill had not been used. Mr. Merrow agreed; and reiterated that he wanted to make sure everything was in order to protect the Town.

Mr. Tellor and Mr. Glasscock stated they had no additional questions or comments on the proposal.

There being no public in attendance, Chairman Burnham returned to the Board.

Town Manager Rieseberg stated concerns the Planning Board had expressed in a previous Planning Board hearing (Case 2020-SPFP—003); that of the entrance to the property and ditch line on the property. They had not been forgotten and the work was scheduled for spring 2021. The ditch line and driveway approach will be cleaned up and a gate will be installed.

Ms. Donovan stated it was in the Planning Board's approval of the case; Town Manager Rieseberg said he wanted to assure the Board members that the work was taking place.

Chairman Burnham stated the solar arrays would be great for the Town (bringing the municipality to net zero). Mr. Tellor, Mr. Glasscock and Mr. Menard agreed.

Mr. Merrow made a motion that ***the Planning Board recommends that the Town (of Newport) accept the Turkey Hill property.*** It was seconded by Mr. Glasscock ***The motion passed 5-0-0.***

**CONTINUED BUSINESS:** None

**MINUTES:** August 18, 2020; December 8, 2020  
August 18, 2020

On a motion by Mr. Merrow, seconded by Mr. Tellor; ***the Planning Board voted to approve the minutes of the August 18, 2020 meeting as presented as updated from the first version the Board received. The motion passed 4-1-0. (Glasscock voted no).*** Mr. Glasscock stated he had found several errors in the minutes. Although there had been a vote on the minutes, he requested they be corrected. Chairman Burnham asked for the items in need of correction. Mr. Glasscock stated:

- 1) Page Two, between paragraph two and three: had missing detail from an abutter he felt should be included in the minutes.
- 2) Page Two, paragraph three and four: “Mr. Merrow read aloud from the Newport Zoning Ordinance...” Mr. Merrow was reading from the state statute and (he believed) a law interpretation from New Hampshire Municipal Association (NHMA) concerning lot line adjustments.

Continuing, Mr. Glasscock said there was a lot of conversation with community member Mr. Karr. The minutes don't reflect it. Chairman Burnham addressed Mr. Glasscock and explained the minutes were supposed to be a synopsis of the meeting as long as the minutes don't miss items that bear on the case (conditions required by the applicant). If there was a lengthy discussion on (for example) a boundary line as opposed to a lot line adjustment. Mr. Glasscock stated he understood the minutes were not supposed to be verbatim, but after their (Planning Boards') training he believed they should be in sufficient detail to understand what they were talking about. Some of the sections he personally did not believe were detailed enough; especially the information from the abutters.

Mr. Glasscock stated that was his opinion, a change in minute transcription would be up to the whole board. He stated he had a list of errors in the minutes as well as conversations with the abutters.

Chairman Burnham stated the Board had already approved the minutes as presented. He stated they could be brought to the Planning Board on February 9, 2021 for amending and a revote. It was requested that Mr. Glasscock forward the corrections that were necessary to Ms. Donovan. Ms. Donovan would forward them to Mrs. Stetson to amend the minutes.

#### December 8, 2020

Chairman Burnham tabled the minutes of the December 8, 2020 Planning Board meeting to February 9, 2021. Ms. Donovan will forward a copy of the minutes to Mr. Tellor, Mr. Hooper and Mr. Glasscock.

#### **ADMINISTRATION:**

There was a lengthy discussion on all administrative agenda items. No final decisions were made, more information would be compiled by Ms. Donovan for the February 9, 2021 Planning Board meeting. At the March 2021 meeting the Board members will be given counsel's information on correct writing of specific ordinances for Newport.

#### Review Zoning Ordinances- Additions, clarifications, Kelleyville setbacks/frontage, junkyards, sheds

Ms. Donovan stated that it was the Planning Board's purview to review Newport's Zoning Ordinances and make any additions, clarifications and correct errors. She listed:

1. Kelleyville setbacks
2. Newport doesn't have a junkyard ordinance (the Zoning office had the State of NH's)
3. Solar array ordinance.
4. Sheds

There was a discussion between Board members and Ms. Donovan concerning the NPS meeting with the Town counsel about a solar array ordinance. Ms. Donovan said she could request town attorney Shawn Tanguay, to write up an ordinance for Newport concerning placement of solar arrays in Town. The Board and Ms. Donovan discussed the specific information they would like included in the proposed ordinance.

#### Junkyards

The Board and Ms. Donovan discussed how the Town followed state RSAs for junkyards. Ms. Donovan stated she had no problem following the state RSAs. The Town of Newport (Planning Board) could create additional rules to make the ordinance stricter than the state guidelines. The Board stated if the Planning Board proposed a stricter ordinance on junkyards, it would have to go before the Town for a vote.

Ms. Donovan addressed the Board and said she would like to discuss the Kelleyville setbacks

#### Kelleyville setbacks/frontage

There was a lengthy discussion between the Board and Ms. Donovan on setbacks and yard frontage in the Kelleyville District. The definitions of both were read aloud and explained (from the Newport Zoning Ordinance).

#### Zoning- Address Solar Arrays

After a lengthy discussion, it was suggested and agreed upon that Newport change its solar array zoning to the state guidelines.

#### Sheds

There was a lengthy discussion on regulations of placing sheds in Newport. Ms. Donovan stated it was a structure and had to follow guidelines, setbacks and needed a building permit. Many sheds were built on property lines and would be in violation of setbacks. There were many regulations that were not written in the Zoning Ordinance. It caused a lot of confusion with residents and the Zoning office.

A Shed:

- 1) 100 square feet didn't need a permit?
- 2) Is movable if it doesn't have a foundation or need a foundation?

She gave examples of the difficulties she was having enforcing the shed regulations. She asked if the Planning Board should get clarification.

Mr. Glasscock spoke to the Board from a building code perspective. Referring to the state building code, he stated anything less than 200 square feet doesn't have to require a building permit. A city can amend the building code for setbacks to allow for emergency (fire). He didn't know about the 100 sq. ft.

Ms. Donovan asked, for clarification, if it (code) was under the state law. She was told it was under the state building code. Ms. Donovan asked if it was under the International Building Code (IBC). Mr. Glasscock stated it was under the 2015 International Residential Code and IBC.

Ms. Donovan again gave examples of the difficulties she was having enforcing the shed regulations and listed some of the irregularities for sheds and other structures in town. She asked if the Planning Board should amend Newport's setbacks for sheds. A change would need to be voted on by the townspeople.

Ms. Donovan left the meeting at 6:41

Chairman Burnham addressed Mr. Glasscock and Mr. Tellor on zoom and asked if they had been given a copy of the (red covered) Newport Zoning Ordinances. Mr. Glasscock had not. Mr. Merrow asked if they had received a copy of the "startup" package. They had not.

Ms. Donovan returned at 6:42

Mr. Merrow told Ms. Donovan that Mr. Glasscock needed a copy of the binder with the Newport Town Ordinances. Chairman Burnham addressed Ms. Donovan and asked if she could get copies of shed laws in the surrounding communities. He emphasized getting Hanover's ordinance. Mr. Hooper stated that in checking the internet, the base size was 200 sq. ft. Setbacks are required in communities for larger sheds. He stated that Newport had more "grey areas" than other communities.

After discussion on the requirements for sheds, Mr. Merrow stated there was homework to be done to amend the ordinance. The Board discussed with Ms. Donovan what changes to the ordinances could be made without

having to go to the townspeople for a vote. Mr. Glasscock said the state building code had a good definition of when a foundation was needed. He didn't know if the Board (if the Town was using the state building code) needed to redefine that. Newport could just use the state building code.

In discussion of the code to use, Ms. Donovan said that the building code was different from zoning ordinances. Question was: if changing the definition, is the Planning Board changing the intent of the ordinance. Ms. Donovan expressed her frustration on enforcement of the Zoning Ordinances. The Board members and Ms. Donovan held a lengthy discussion on the building permitting process, the building code and ordinances in relation to one another.

Chairman Burnham asked that Ms. Donovan get the regulations from Claremont and Lebanon to see how they handle it (with setbacks, etc.). The Planning Board needed to get it defined for Newport. Ms. Donovan agreed with his statement. Depending on the proposal, it will have to go before the voters in the Town. Ms. Donovan would get information stating what needed to be brought before the voters.

#### Review and Comments about Lot Line Adjustment Sheets

Ms. Donovan addressed the Board and stated she had various towns' lot line adjustment regulations. She had hoped to go over those at the January 12, 2021 meeting. She said she would resend all of the regulations to Board members. Board members gave their input on the various towns' definition of lot line adjustments.

Lyme: seemed simpler and straight forward.

Loudon: liked Loudon's. It was similar to a checklist form. Others agreed, saying they were looking for guidance.

Newington: very in depth

There was a lengthy discussion between the Board and Ms. Donovan on the lot line adjustment regulation examples given as well as previous cases and hypothetical scenarios.

#### Mylars

The Board and Ms. Donovan discussed Mylars and when they should be submitted by applicants (it is on the checklist for the application to be complete). The Board agreed it doesn't have to be presented at the case hearing. It will be removed as a requirement for a complete application. The requirement will state the applicant shall provide a Mylar no later than fifteen days of the approved case.

Ms. Donovan stated that One Credit Union was brought up in December 2020. She had followed up on it and received no response. She was continuing with follow up with a certified letter to the staff and corporate manager. Mr. Merrow said it states on the plat in the file who owns the property. He asked that she send a letter to the property owner. Ms. Donovan agreed and said the land owner has someone on their property that is in violation.

A home is being constructed on the triangle shaped land opposite the airport property. Also, land abutting the airport and on Route 10 North has been purchased for a cluster development. It is still in the early stages. Chairman Burnham told Ms. Donovan that if the applicants came to the Zoning Office she might refer them to the FAA guidelines. There was a short discussion on the restrictions when building in the Airport Zone.

#### **COMMUNICATIONS:**

- a) **Board:** Mr. Tellor addressed Ms. Donovan and asked about the new gas station (across from the Newport Health Center) sidewalk. Mr. Tellor stated that the curbing had been taken out. He was told it was a tripping hazard. Mr. Tellor said there would now potentially be cars driving across the sidewalk. Chairman Burnham said that it would be addressed when they did the line painting. Chairman Burnham

asked Ms. Donovan to make a note of the concern. Ms. Donovan would look on the case plans and have them held to the approved plans. Ms. Donovan will email the Board members on her findings.

b) **Public:** none

On a motion by Mr. Merrow, seconded by Mr. Tellor; ***the Board voted to adjourn at 8:02 p.m. The motion passed 5-0-0.***

Respectfully submitted,

Maura Stetson  
Scribe

Approved: February XX, 2021

DRAFT