

**TOWN OF NEWPORT, NH**  
**Minutes of the Planning Board Meeting**  
**December 14, 2021 – 6:00 P.M.**  
**Board of Selectmen's Room**  
**15 Sunapee Street**  
**Regular Meeting and Public Hearing**

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**MEMBERS PRESENT:** David Burnham, Chairman; Ken Merrow, Vice Chairman; Ray Kibbey, Herbert Tellor, Jr., BOS Representative; Tobin Menard and Sean Glasscock

**MEMBER(S) ABSENT:** Bert Spaulding, Sr. alternate; John Hooper, II, BOS Representative Alternate; David Kibbey, alternate

**VIDEOGRAPHER:** NCTV

**STAFF PRESENT:** Christina Donovan, Planning and Zoning Administrator

**COMMUNITY MEMBERS PRESENT:** Dennis Heibein, abutter (Case 2021-ANNEX-003); Dan Mott, David Schultz and Tammy Csutor, abutters (Case 2021-SPFP-007); Kevin Henderson, Richard Lee

**GUESTS:** Bernie Temple, PE; Jon Rokeh, PE, Rokeh Consulting, LLC

**CALL TO ORDER:** Chairman Burnham called the meeting to order at 6:02 p.m. followed by a roll call of sitting members. There were no alternates present.

**AGENDA REVIEW:** accepted as presented.

**CONTINUED BUSINESS:**

**2021-SPFP-006 -Dana Olmsted (Owner):-** Request final review to approved site plan for the property identified as Map 253 Lot 001. The proposal is to construct a recreational facility on the parcel. The property is located on Pike Hill in the Rural (R) Zoning District.

Ms. Donovan informed the Board that the applicant had not submitted the requested information for her case. Mr. Merrow made a motion *to continue Case 2021-SPFP-006 Wisdom in New Dimensions, Dana Olmsted (owner) to the January 9, 2022 Planning Board meeting at 6 p.m. as requested by the applicant.* It was seconded by Mr. Glasscock. *The motion passed 6-0-0.*

**NEW BUSINESS:**

**2021-SDFP-005-Denis Gokey (Owner) Scott Bennett (agent):** Request a final review for a minor subdivision, property identified as Map 241 Lot 026 located at 44 Gold-(Golf) Club Road in the Rural (R) Zoning District.

Chairman Burnham noted and corrected the typographical error (Gold) in the Case header. Chairman Burnham opened Case 2021-SDFP-005. He asked if there were any issues by the Planning and Zoning Office or the Department Heads. He was told no. The land meets all road frontages, acreage requirements, one parcel will have a home on it and the other will be open land. On a motion by Mr. Merrow, seconded by Mr. Tellor; *the Board accepted the application for Case 2021-SDFP-005 as complete. The motion passed 6-0-0.*

Mr. Bennett and Mr. Gokey gave a brief overview of the proposed minor subdivision. The 116 acre parcel being sold will front on Bascom Road. Mr. Gokey will keep a 20 acre lot for himself. Chairman Burnham stated that the applicants were requesting a waiver of a full boundary survey (stated in application). There were no questions

from the Board. No abutters were present. There were no further comments from the Board members. On a motion by Mr. Merrow, seconded by Mr. Kibbey; ***the Board approved Case 2021-SDFP-005 as presented. The motion passed 6-0-0.***

Ms. Donovan asked that the next cases be heard out of order; Case 2021-ANNEX-003 would take less time than Case 2021-SDFP-007. Chairman Burnham agreed to her request. Mr. Merrow made a motion ***to switch the order of the next cases heard to Case 2021-ANNEX-003 and then Case 2021-SDFP-007.*** It was seconded by Mr. Menard. ***The motion passed 6-0-0.***

**2021-ANNEX-003: McGuire Family Trust (Owner) Allan and Marylou McGuire (agent):** Request a final review for an annexation, property identified from Map 258 Lot 017 located at 139 Turkey Hill Road to Map 258 Lot 014 at 11 Sunset Vista in the Rural (R) Zoning District.

Chairman Burnham opened Case 2021-ANNEX-003. He stated the Planning and Zoning Department had no issues with the proposal. Mr. McGuire told the Board he wanted to sell approximately 4.8 acres of his property to Mr. Dennis Heibein, his abutter (who was in attendance at the Planning Board meeting). The Board members questioned Ms. Donovan as to accuracy of the Case classification. Chairman Burnham stated it should be classified as a minor subdivision. There was a lengthy discussion on the Case. Mr. Merrow stated he also believed it should be heard as a minor subdivision, not an annexation. The Board members also discussed whether to identify the proposal as a lot line adjustment.

After continued discussion on the correct way to proceed with the Case, Mr. Merrow read aloud RSA 672:14 Subdivisions. He explained to the applicant that his Case had been incorrectly noticed. It should be a minor subdivision as stated in RSA 672:14. Ms. Donovan apologized to Mr. McGuire; his case would be renoticed (at no cost to him) and heard on Tuesday, January 9, 2022 at 6 pm.

Mr. Kibbey acknowledged Mr. Richard Lee, community member, who had arrived late to hear Case 2021-SDFP-005. Mr. Merrow explained that the case had been heard and approved. He gave a synopsis of the proposal to Mr. Lee and answered all of his questions.

**2021-SDFP-007: 169 Sunapee Street LLC, Ron DeCola (agent):** Request a final review to approve a site plan for the property identified as Map 114 Lot 032. The proposal is to construct a multi-unit dwelling on this parcel. The property is located at 21 Cross Street in the Industrial (I) Zoning District. (For full discussion go to [www.nctv-nh.org](http://www.nctv-nh.org) )

Chairman Burnham opened Case 2021-SDFP-007. He acknowledged Mr. Glasscock. Mr. Glasscock stated he had worked with the power plant operator and will again work with him in the future. Mr. Glasscock met Mr. DeCola for the first time at the meeting (December 14, 2021) and informed Mr. DeCola of his work. Mr. Glasscock believed he could hear the case and be impartial. Mr. Ron DeCola addressed Chairman Burnham and stated he was okay with Mr. Glasscock sitting for the hearing if the Chair was (Mr. Glasscock sat for the hearing). Chairman Burnham addressed Ms. Donovan and asked if all paperwork for the application was complete. She stated it was. There was also additional paperwork in their packets. Mr. Merrow made a motion ***to accept the application for Case 2021-SDFP-007 as complete.*** It was seconded by Mr. Tellor. ***The motion passed 6-0-0.***

Mr. DeCola, agent, addressed Ms. Donovan and asked if his engineer, Mr. Bernie Temple, could put up a slide of the site plan for the Board members and public in attendance. Mr. DeCola introduced Mr. Temple, PE and Mr. Jon Rokeh, PE (and consultant) who were joining the meeting via zoom. Mr. DeCola addressed Chairman Burnham and stated he would like to do a brief introduction and then defer to the engineers for any specific questions.

Mr. DeCola stated the lot was directly across from the Newport Mill (He was also the manager of the Newport Mill property). There was a penstock that runs under the property where the building is proposed which feeds the #2 turbine. He was going to terminate the business. If the site plan and proposal is approved, the penstock will

come out and all the improvements and the building will be put in. Continuing, Mr. DeCola explained the generator building will stay; it houses equipment that regulates the dam across the Sugar River. There will be a lease and easement agreement with the owners.

The proposal on the lot is a 30 unit building. Each unit will have two bedrooms. There are 66 parking spaces. Town water and sewer hook ups are on site. The engineers will speak to the drainage. The applicant received ZBA approval for the change of use in September 2021.

[From the ZBA September 16, 2021 minutes:

Acting Chairman Nelson called for a motion to memorialize the decision of the ZBA to grant the variance. On a motion by Mr. Kessler, seconded by Mr. Whalen; ***the Board voted to grant a Variance for Case #1118 as presented.*** Acting Chairman Nelson called for a roll call vote. ***The motion passed 3-1-0 (Spaulding voted no).***]

Mr. DeCola stated that some ZBA members had raised concerns about traffic on Cross Street. The site plans had been changed to have all ingress and egress on Canal Street. Mr. DeCola stated he had met with the Fire Department; they had requested a turnaround for their emergency vehicles which had been added. There were adequate fire hydrants for their usage. The Police Department had no issues. He had spoken to the Director of Public Works and Water and Sewer. Water and Sewer hookups were on site.

Mr. Jon Rokeh, PE addressed the Board and gave an overview of the area's water and sewer system and its ability to provide service to the 30 unit building as proposed. He also explained:

- ❖ The drainage proposed on the property.
- ❖ The lighting proposed: "dark sky" compliant lighting in the parking lot to the side. There will also be area light poles and building lights. Everything will be shown on their site plans.
- ❖ A landscape plan has been created and will be available
- ❖ Shoreline and Alteration of Terrain (AOT) Permits have been obtained

Mr. Kibbey addressed Mr. Rokeh and questioned his statement of the approval of the drainage and Alteration of Terrain (AOT). Mr. Rokeh clarified that the company's product has been approved; the particular plan has not been approved.

Additional questions by Board members were about the penstock, how close the proposed building was to Canal Street (Ms. Donovan stated that there was no setback requirement in the Industrial Zone), and the self-storage units.

Mr. Merrow stated that if approved, the condition would be to meet all state and local building codes as well as DES and Shoreline approvals.

Mr. Tellor asked if any area of the property was in the flood zone. Mr. Rokeh said that the only part of the property in the floodplain was around the generator building.

Mr. Glasscock asked if there was discussion or concern about pedestrian traffic. Mr. DeCola stated they were having discussions with the Town on making the old railroad bed and bridge a walking path.

Chairman Burnham opened the hearing to the public (abutters first).

Mr. Schultz, abutter, stated that the building will be 13 feet from the road. He asked for the requirement. He was told there is no limitation; the property is in the Industrial Zone.

Ms. Csuter asked if a formal traffic study had been done to show how it will impact the area. Mr. DeCola stated that they had had a traffic memorandum done for the Newport Mill location. No traffic issues were found at that time.

Mr. Dan Mott began speaking over Mr. DeCola and was asked to stop by Chairman Burnham.

Mr. Dan Mott stated he had spoken to the Fire Chief and confirmed that an entrance for the emergency vehicles had been requested. Mr. Mott said he was not for or against the Case, he just wanted the facts. He spoke to the Board members and gave his opinion on several aspects of the proposed multi-unit housing, stating there were RSAs that the Board members had to adhere to in their decision. He spoke negatively about the applicant.

Chairman Burnham addressed the abutter and public in attendance. He stated the Board would listen to safety concerns; they would not allow personal attacks on any individuals. He told the public to stick to the facts. Mr. David Schultz, abutter, read aloud a statement into the record which was signed by three abutters.

Chairman Burnham explained to Mr. Schultz why most of the statements in his letter would not be able to be acted upon by the Board. There were additional comments made by Mr. Mott and Mr. DeCola. Chairman Burnham interjected several times telling them they could speak only when they were called upon and to direct their comments to the Chair.

Mr. Kibbey asked if the lot also went with the Newport Mills as a storage unit area. He was told that the multi-unit housing lot is a separate lot of record. There was a brief discussion on the storage area relationship with the Newport Mill lot.

Mr. Mott began speaking about the lot and dam. Chairman Burnham asked him to make his comments to the Chair and Board. He also reminded Mr. Mott that the dam in question was not on the lot. He asked him to keep his comments to the lot. Mr. Mott spoke at length about several topics he believed were relevant to the case. Chairman Burnham and Mr. Merrow informed him that much of what he said was irrelevant to the case. Ms. Donovan interjected and reminded Mr. Mott that he was not an abutter. He could not object or appeal anything concerning the case. For full disclosure, she informed the Board members that Mr. Mott was not an abutter. Mr. Mott continued to make statements about the proposal and applicant.

Chairman Burnham and Mr. Merrow told Mr. Mott the responsibilities of the Board in relation to the construction of any building in Town. The building must be compliant with the building codes and safety regulations in Newport. Mr. Merrow addressed many of Mr. Mott's concerns. (Restricting) The number of potential school aged children living in the building was not the mission of the Planning Board. Mr. Mott requested that the Board do research on items and return with the information. He also asked them to look into matters not on the lot. Chairman Burnham again informed him that it was irrelevant to the case. There was further discussion and arguments concerning the case.

Ms. Donovan addressed the Board and stated any builder of the multi-unit building would have to adhere strictly to the plans submitted to the Board. Any changes of the proposed site plans would have to go before the Planning Board for review. An example was: adhering to specific lighting; if it were to be changed the site plans would need to be reviewed by the Planning Board again. Mr. Glasscock asked if that was standard procedure. Ms. Donovan stated yes. She gave Mr. Glasscock an example of a commercial property case where a design change had had to go before the Planning Board for review.

Chairman Burnham addressed Mr. DeCola and asked for the typographical map of the lot. Mr. Merrow showed it to the Chair and read off the elevations on the property. There was a discussion between the Board members on the elevations on the lot.

Mr. DeCola addressed the Board and stated that:

- a) Mr. Mott is not an abutter and is not neutral concerning the project
- b) The applicant will be required to adhere to the site plan as presented to the Planning Board
- c) The architect might request a change the plans; it would have to go before the Planning Board

Mr. Tellor asked Ms. Donovan if there was anything from the Police Chief Brent Wilmot. Ms. Donovan stated he had no concerns as the proposal was now. His comments were only verbal, nothing was in writing. She would approach him again for something in writing. Mr. Tellor stated the Board had comments from the Highway Department.

Mr. Cartier had stated he had:

- Traffic Considerations (traffic impacts to area)

- Lighting Considerations
- Signage on the property (additional stop signs may be necessary)
- Drainage needs to be addressed by property developer

Verbally to Christina:

- Water and sewer review and impact study (Planning Board could request a study)

Mr. DeCola stated that the engineer (Jon Rokeh) had spoken to Mr. Cartier. The manhole covers had been raised because of their conversation. At that time Mr. Cartier had not expressed any concerns. Mr. Temple stated that the Water and Sewer Departments (in towns) checked to ensure they will have the capacity for the additional needs proposed. Ms. Donovan agreed that there was enough overall capacity in the Newport system.

Chairman Burnham asked Mr. DeCola if a study had been done concerning the number of potential children in the building. Mr. DeCola explained sites in general and the number of people in a multi-unit building. Mr. Mott stated he had gone to the Board of Education. They would be able to answer the question better than anyone. Mr. Mott stated if it became low income housing, there would be more children. He reiterated that the “Head Board Member” had given figures off the top of his head. The Board should look into it. They should look into the number of school aged children that might live there. Mr. Mott listed additional items to the Board. He again stated that he was at the meeting as a neutral individual (concerning the case).

When acknowledged, Mr. DeCola responded to Mr. Mott’s statements and informed the Board Mr. Mott was not at the ZBA and Planning Board meetings concerning the Newport Mill where 70 units of workforce housing were approved.

There was further discussion between the Board and Ms. Donovan on the proposed multi-unit building including:

Road conditions

Sidewalks

Department Heads comments needed to be in writing

Sewer plans (leave existing system in place; raise manhole covers)

Traffic on Cross Street (Additional information from Mr. Todd Cartier was that a traffic analysis is good idea)

There was additional discussion. Mr. Merrow stated that Mr. DeCola needed to return to the Board with:

- 1) Updated plans
  - a) Indicate the type of fuel that will be used (state requirements)
  - b) Indicate type of lighting and where
- 2) Water and sewer infrastructure (impact study request in writing from Todd Cartier)
  - a) If the applicant needs a study done or if it is known the water and sewer will hold the capacity
- 3) Traffic Memorandum

There was a discussion between the Board and Mr. DeCola on the necessity of a traffic study. Chairman Burnham asked that Mr. DeCola email the traffic memorandum to the Town office (to be distributed to the Board)

- 4) Request Todd Cartier attend Planning Board via zoom
- 5) Police Department (Brent Wilmot) issues/no issues in writing

As in other cases, the Case could be approved contingent on a traffic study and any other things that the Board might state.

Chairman Burnham asked if there was anything from the Conservation Commission. Ms. Donovan stated no. She would ask for their input in January 2022. Mr. Tellor made a motion *to continue Case 2021- SDFP-007: 169 Sunapee Street LLC, Ron DeCola (agent) to January 9, 2022 at 6 pm.* It was seconded by Mr. Merrow. *The motion passed 6-0-0.*

**MINUTES:** November 9, 2021

November 9, 2021

On a motion by Mr. Merrow, seconded by Mr. Menard; ***the Board voted to approve the minutes of the November 9, 2021 Planning Board meeting as presented. The motion passed 4-0-2 (Kibbey and Glasscock abstained).***

#### **ADMINISTRATION:**

##### New RSA changes and updates

- Ms. Donovan addressed the Board and told them of two RSA changes which will affect the Town and Board in the future.
- 1. Involuntary Mergers. The last deadline given for owners to change a merger status was December 31, 2021. Planning and Zoning Administrators from around the state had been told at a conference that requests to 'right' merged lots now did not have a deadline.
- 2. A house bill is going through the legislature to: enforce that any residential home built on a lot with municipal water and sewer hook ups could have up to four people residing in the building (regardless of building size).

Ms. Donovan will make paper copies of the information available to all Board members.

- Ms. Donovan had Mylars and site plans from approved Cases for the Board members to sign which had accumulated for months.
- Ms. Donovan also stated she would draw up tentative dates in January and February for the Board to begin reviewing the Newport Zoning Ordinances and definitions.

#### **COMMUNICATIONS:**

##### **Board:**

Mr. Merrow asked that Annex/Lot Line/Subdivision definitions be acted upon by the Planning Board sooner than later. He requested that the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC) be contacted for assistance. He agreed to separate meetings to review the Newport Zoning Ordinances.

##### **Public:**

In an effort to alleviate any concerns the Planning Board members might have; Mr. Kevin Henderson addressed the Planning Board and negated information concerning the Newport Mill stated by Mr. Dan Mott during the hearing of Case 2021-SPFP-007. Mr. Mott made an abrupt return to the meeting with loud outbursts directed at the Board and community member present. Chairman Burnham asked Mr. Mott to leave. When Mr. Mott would not quiet down or leave, the police were summoned to remove him from the meeting.

The final business of the night was to sign Mylars and site plans from previous Planning Board cases.

With no more business in the public meeting, on a motion by Mr. Merrow, seconded by Mr. Tellor; ***the Board voted to adjourn at 8:34 p.m. The motion passed 6-0-0.***

Respectfully submitted,

Maura Stetson  
Scribe

Approved: January XX, 2022

*The next meeting of the Planning Board will be on January 9, 2022 at 6 pm in the Board of Selectmen's Room.*