

**TOWN OF NEWPORT, NH**  
**Minutes of the Planning Board Meeting**  
**May 18, 2021 – 6:00 P.M.**  
**Board of Selectmen's Room**  
**15 Sunapee Street**  
**Regular Meeting and Public Hearing**  
**Remote Access:**  
**Zoom.com - Meeting ID: 816 2557 5401 Password: 451497**

---

**MEMBERS PRESENT:** David Burnham, Chairman; Tobin Menard, Ray Kibbey, John Hooper, II, BOS Representative Alternate

**MEMBER ABSENT:** Ken Mellow, Vice Chairman; Sean Glasscock, Herbert Teller, Jr., BOS Representative

**VIDEOGRAPHER:** John Lunn, NCTV

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

**COMMUNITY MEMBERS PRESENT:** Bert Spaulding, Sr.; Tom Dombroski, Brent Johnson, Sam McNeil

**CALL TO ORDER:** Chairman Burnham called the meeting to order at 6:01 p.m. followed by a roll call.

**AGENDA REVIEW:** Accepted as presented.

**NEW BUSINESS:**

**Newport Waiver for Class VI Road: Larry and Meredith McNeel** Request a final review for a waiver to construct a manufactured home on 28 Brown Road identified as Map 233 Lot 025 located in the Rural (R) Zoning District.

Chairman Burnham opened the hearing on the waiver to construct a manufactured home.

Mr. Ray Kibbey stepped down as a sitting Board member. It was announced there was no longer a quorum.

Mr. Hooper and Mr. Spaulding, Sr. explained that the case could not be heard because:

- 1) There was no quorum

It could not be heard as “informational” because it would prejudice the sitting Board members for any future hearing on this case.

Chairman Burnham stated the Case will be continued to the Planning Board meeting on June 8, 2021 at 6 pm.

There was a discussion between the applicant and Mr. Dombroski with Chairman Burnham and the Board members about the need to bring the case before the Planning Board. The fact that it is a time sensitive matter for the applicant was also brought up.

There was a discussion between the Board members, Mr. Spaulding, Sr. and Ms. Donovan concerning the applicant and agent meeting with her and then going to the Board of Selectmen with their case.

Chairman Burnham stated he had never seen a Waiver Case come before the Planning Board. He asked Ms. Donovan to find out if it was appropriate for action to be completed by her office and the Board of Selectmen.

Mr. Spaulding, Sr. offered to join the Planning Board to ensure there was a quorum at future meetings. He was asked to apply at the Town Office.

The case was dismissed without being heard. It was suggested that Ms. Donovan touch base with Town Manager Rieseberg and call Mr. Dombroski concerning the procedure for the case.

Mr. Kibbey resumed his seat as a sitting Board member.

#### **CONTINUED BUSINESS:**

**2021-SDFP-001:Kathleen Gestay/Brent Johnson:** Request a final review for a subdivision for properties identified as Map 239 Lot 038 and Map 239 Lot 039 located on Cutts Road in the Rural (R) Zoning District.

Chairman Burnham opened the hearing on Case 2021-SDFP-001. On a motion by Mr. Kibbey, seconded by Mr. Menard; *the Board voted to accept the application as complete. The motion passed 4-0-0.*

Mr. Tom Dombroski addressed the Board and using a posted site plan presented the Case. He stated that next month (June 2021) he would be attending the Zoning Board of Adjustment (ZBA) for approval of a backlot on the property. He asked if there were any questions of the Board members. Mr. Hooper asked if 50' frontage for the backlot was enough. He was told yes.

With the Board and Mr. Johnson's agreement, Mr. Spaulding, Sr. (abutter) and Mr. Dombroski reviewed how the plans for the subdivision could be drawn up to create conforming lots to ensure that legal lots with correct road frontage would be created. There are two owners: one individual will own one lot; the other individual will own two lots. The Board agreed with their proposed lot lines and established lot sizes.

Mr. Kibbey asked if there will be a right of way for the driveway. He was told there already is a right of way. If the applicant proposes any further divisions he will need to come back before the Planning Board. There was a question by Ms. Donovan; Mr. Spaulding addressed the Board and read page 93 of the Zoning Ordinance. Chairman Burnham stated that the Board's vote will be on a subdivision (changing two lots into three conforming lots).

Mr. Spaulding, Sr. asked about the Planning Board voting without the Mylar present. He was told the Board now has the Case approved and then the Mylar is produced and signed by the Board members.

The Board members asked that the following be changed:

- Subdivision lot lines will be changed to create three conforming lots.
- The Mylar will be revised to have a proper road frontage for a proper subdivision for Lot Two

The Board members will then go to the Planning Office and sign the Mylar

Chairman Burnham was asked what the amendment to the proposal was. He stated the amendment to the original proposal was:

- ❖ To change the road frontage to legal road frontage on Cutts Road (200+ feet on the second lot).

On a motion by Mr. Kibbey, seconded by Mr. Hooper; *the Board voted to accept Case 2021-SDFP -001: Kathleen Gestay/Brent Johnson request a final review for a subdivision for properties identified as Map 239 Lot 038 and Map 239 Lot 039 as amended (change the road frontage to legal road frontage on Cutts Road). The motion passed 4-0-0.*

Chairman Burnham stated that the subdivision would have three conforming lots as amended. Ms. Donovan agreed.

## **MINUTES: April 13, 2021**

April 13, 2021

On a motion by Mr. Hooper, seconded by Mr. Kibbey; *the Planning Board voted to approve the minutes of the April 13, 2021 meeting as presented. The motion passed 4-0-0.*

### **ADMINISTRATION:**

Update: One Credit Union in regards to exterior lighting

Ms. Donovan stated that last meeting in her update she stated she didn't have a good case against One Credit Union. With the Planning Board's guidance, she had looked at the minutes and the video. No information was documented in the minutes except that outside lighting was discussed at their final review on June 11, 2019. Ms. Donovan then checked the video of the meeting.

Addressing the Board members, Ms. Donovan said she had:

- 1) checked the minutes
  - a) No information was documented in the minutes except that outside lighting was discussed at their final review on June 11, 2019.
- 2) checked the video
  - a) She explained that the video showed the discrepancy between what One Credit Union (agent Wayne McCormick) had informed the Planning Board they would install (there were pictures and verbal testimony in the video) and what was installed.
  - b) The photographs showing the proposed lights (from the meeting) were not in One Credit Union's case folder.
  - c) What was installed was nothing like the proposed lighting the Board had been shown.
  - d) Ms. Donovan stated that when the Board gave the final review acceptance, the external lighting plan was waived in the motion. Mr. McCormick stated specifically they would be downcast; Mr. Merrow stated they would be with a sharp cutoff. The agent agreed (Water Stone Sugar River Plaza, LLC).
  - e) She has not heard from the manager, even though he has the information. Ms. Donovan was back to square one.

Mr. Kibbey asked if she went back to legal with the information. Ms. Donovan stated no.

Reiterating, Ms. Donovan stated the Town was back to having One Credit Union conform to the Newport Zoning Ordinance.

### Site Plan Check List Updates

Ms. Donovan stated she had made the changes the Board had requested:

1. A typographical error on page one #9 "exiting" was changed to "existing".

Chairman Burnham addressed Ms. Donovan and said the typographical error had been corrected. There was no need for additional discussion on the site plan checklist. They would begin to use the Checklist at the next meeting.

### Update on Shed Ordinance

The Board and Ms. Donovan discussed the Shed Ordinance Warrant Article from the 2021 ballot. It had passed overwhelmingly. Chairman Burnham addressed Ms. Donovan and asked that a public notice of a public hearing on the Shed Ordinance to be put on the 2022 Town ballot be posted for the June 8, 2021 meeting. If the deadline for a legal public hearing has passed, he requested that a public hearing be advertised and posted for the July 13, 2021 Planning Board meeting.

### **COMMUNICATIONS:**

**Board:** Mr. Hooper informed the Board that the BOS had reorganized appointments at their last BOS meeting. Mr. Tellor would be their BOS Representative for 2021-2022. Mr. Hooper would be their BOS Representative Alternate. He was at the May 18, 2021 meeting as a BOS Representative Alternate.

**Public:** Mr. Dombroski addressed the Board and stated he would like to informally inform them of a conceptual case. An individual had land, wanted to create a major subdivision (five lots), it would be one lot with a house, three lots were open fields, and two lots were forested. When asked he stated that all road frontages will be met. Chairman Burnham listed the items the applicant would need for the case. Mr. Dombroski thanked the Board for their time.

On a motion by Mr. Hooper, seconded by Mr. Menard; *the Board voted to adjourn at 6:43 p.m. The motion passed 4-0-0.*

Respectfully submitted,

Maura Stetson  
Scribe

Approved: June XX, 2021

*The next meeting of the Planning Board will be on June 8, 2021 at 6 pm in the Board of Selectmen's Room.*