

TOWN OF NEWPORT, NH
Minutes of the Planning Board Meeting
October 12, 2021 – 6:00 P.M.
Board of Selectmen's Room
15 Sunapee Street
Regular Meeting and Public Hearing

MEMBERS PRESENT: David Burnham, Chairman; Ray Kibbey, Herbert Tellor, Jr., BOS Representative; Tobin Menard

MEMBER ABSENT: Ken Merrow, Vice Chairman; Sean Glasscock, 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: Peter and Kelly Merritt, Herbert and Sarah Fisher, Shaun Carroll, Jr.; Diane Spear, Ed Karr, Al Menard, Ed Bailey

CALL TO ORDER: Chairman Burnham called the meeting to order at 6:02 p.m. followed by a roll call of sitting members.

AGENDA REVIEW: Mr. Kibbey made a motion *to continue Case 2021-SPFP-006 to the November 9, 2021 Planning Board meeting.* It was seconded by Mr. Menard. *The motion passed 4-0-0.*

CONTINUED BUSINESS:

Dana Olmsted(Owner): Class VI road review/recommendations/required documents

Ms. Donovan stated that applicant Ms. Olmsted was on her way to the meeting. The case was moved to the end of New Business.

NEW 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.

****Request to Continue to November Meeting.****

2021-SDFP-004-Chad and Glenn Joshpe: Request a final review for a major subdivision, property identified as Map 246 Lot 025 located on Pollards Mill Road in the Rural (R) Zoning District.

Application Withdrawn/Reapplying for the November meeting.

PUBLIC HEARING: 2022 Shed Ordinance: Discussion and alterations if needed/Use of Setback or Yard?

(for the entire discussion, go to (www.nctv-nh.org)

Chairman Burnham stated that the Planning Board would be reviewing and changing as needed the amended Shed Zoning Ordinance as changed at the July 13, 2021 meeting. He opened the Public Hearing to public comment.

PUBLIC NOTICE
Town of Newport, New Hampshire

Notice is hereby given that the Newport Planning Board will hold a meeting on **October 12, 2021 at 6:00 p.m.** in the Selectmen's Room at 15 Sunapee Street, Newport, NH at which time a public hearing will be held on the following proposed zoning ordinance amendment.

Proposed Shed Zoning Ordinance - May 2022

Article IV – General Provisions

Section 421 – Sheds (200 square feet or less)

A Shed can have a 5-foot setback from side and rear property lines. Required front yard setback for specific zone still applies. No shed can be greater than 14 feet maximum height, measured from ground to peak of roof and a single story. This applies to only one shed per parcel. All other sheds or accessory building must comply with setbacks required for their specific zone subject to Article 5 Special Provisions.

Chairman Burnham asked if there was anyone in the public who would like to speak on the shed ordinance as presented. He acknowledged Mr. Ed Karr.

Mr. Karr, Mr. Shaun Carroll, Jr.; Ms. Donovan and the Planning Board members held a lengthy discussion on the proposed ordinance and its wording. Among the items discussed were:

- “Yard” for “setback”. Is yard the measurement of three (3) feet or an area on a property?
- The Planning Board changing the wording in all of the districts in the ordinance to “setback” to make it consistent throughout the zoning ordinance because zones say yard.
- The use of setback/yard, setback with reference, incorporating the use of “lot line” and other wordings were discussed.
- The Planning Board is developing a new ordinance for the public to vote on they should make it easy to understand.
- Shed Ordinance be reworded so as not to use the word setback.

During discussion, Chairman Burnham referenced and read aloud from Zoning Ordinance 504.3. When asked, Chairman Burnham stated that all changes would be made and then a motion to accept the entire ordinance as reworded would be made.

Mr. Kibbey proposed the following:

- 1) *A Shed must be a minimum of 5-feet from side or rear property lines.*
- 2) *All other sheds or accessory buildings must comply with **all requirements** for their specific zone subject to Article 5 Special Provisions.*

The Planning Board members and Ms. Donovan discussed the title for the Zoning Ordinance. They decided on: **Shed Ordinance for all Zones - May 2022**

Ms. Donovan said the Ordinance will be renoticed. Chairman Burnham read aloud the Shed Zoning Ordinance as amended at the October 12, 2021 Planning Board meeting.

Mr. Kibbey made a motion *that the newly amended ordinance would be:*

Shed Ordinance for all Zones - May 2022

Article IV – General Provisions

Section 421 – Sheds (200 square feet or less)

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The Newport Planning Board will hold a meeting on November 9, 2021 at 6:00 p.m. in the Selectmen's Room at 15 Sunapee Street, Newport, NH at which time a public hearing will be held on the proposed zoning ordinance amendment.

Chairman Burnham closed the public hearing at 7:02 p.m.

The rewording of the Public Notice is:

Shed Ordinance for all Zones - May 2022

Article IV – General Provisions

Section 421 – Sheds (200 square feet or less)

A Shed must be a minimum of 5 feet from side and rear property lines. Required front yard setback for specific zone still applies. No shed can be greater than 14 feet maximum height, measured from ground to peak of roof and a single story. This applies to only one shed per parcel. All other sheds or accessory buildings must comply with all requirements for their specific zone subject to Article 5 Special Provisions.

Review of Planning Board Rules of Procedure: Discussion in regards to motions/voting for alternates and their capacity.

Ms. Donovan requested that the Rules of Procedure be moved to the end of the meeting or continued to the November 9, 2021 Planning Board meeting. Mr. Kibbey made a motion *to move the review of the Rules of Procedure to November 9, 2021*. It was seconded by Mr. Tellor. *The motion passed 4-0-0.*

CONTINUED BUSINESS: (for the entire discussion, go to (www.nctv-nh.org)

Dana Olmsted(Owner): Class VI road review/recommendations/required documents

Ms. Donovan addressed Chairman Burnham and listed the documents that were to be reviewed at the October 12, 2021 meeting: Road maintenance agreement, waiver and liability document for the Town, the map of the land and Class V and VI roads, road standards for street design as well as Planning Board recommendations of the Class VI road upgrades.

There was a lengthy discussion on all aspects of the case.

Ms. Olmsted the Planning Board members and public in attendance reviewed her current plan for the road:

- Putting down a surface layer of gravel on the road to insure safety driving to the three parcels they own.
- The road will be improved up to lot 6 on Pike Hill Road.
- Not paving the road; only adding gravel and leveling the road.
- Parking lot for the lot was initially going to be for 300 cars, currently planning for 50 cars.
- The parking lot will be the point of entry for the parcels.

Mr. Kibbey asked for the anticipated traffic count on the road.

Ms. Olmsted was asked what part of the road was going to be brought up to private road standards. She was told that if lot 6 was used, the Class VI Road would have to be improved up to the lot.

Ms. Olmsted said that she had not mentioned anything about culverts and the water mitigation that was necessary on the road.

The Board spoke in detail about the Class VI road that would be used. Mr. Kibbey asked Ms. Donovan if she had given the private road requirements to Ms. Olmsted. She had not. Mr. Kibbey stated he had asked Ms. Donovan to check if road requirements were more stringent if it was used to get to a business. She had not. Mr. Tellor had provided Ms. Donovan with the standards (requirements) for streets which dealt with the amount of traffic usage on the road.

After further discussion among the Board members, the applicant and abutters on the condition of the road throughout the year, the amount of upgrading needed to be done to the road and the type of requirements needed to be included in a road maintenance agreement with all abutters; Chairman Burnham closed the review by the Board.

MINUTES: June 8, 2021; August 10, 2021

June 8, 2021

On a motion by Mr. Teller, seconded by Mr. Kibbey; *the Board voted to approve the minutes of the June 8, 2021 Planning Board meeting as presented. The motion passed 4-0-0.*

August 10, 2021

On a motion by Mr. Kibbey, seconded by Mr. Menard; *the Board voted to approve the minutes of the August 10, 2021 Planning Board meeting as presented. The motion passed 4-0-0.*

ADMINISTRATION:

General Residential (R2) Zone-Review Rear Setback

The Board agreed to research the rear setbacks in the R2 Zoning District and on a motion by Mr. Kibbey, seconded by Mr. Menard; *the Board voted to continue the agenda item to the November 9, 2021 Planning Board meeting. The motion passed 4-0-0.*

COMMUNICATIONS:

Board: Mr. Kibbey asked that Ms. Donovan find out the following:

- ❖ to check if road requirements are more stringent if the road was used to get to a business
- ❖ For next meeting: Do research on the NH State building code for new construction and of existing buildings. Want to know if (states in the Building Code) need to have state approved septic system by DES.
- ❖ Is there a state approved DES alternate system that can (needs to) be approved (for a building permit)

Public: (Participation shall pertain to topics within the purview of the Planning Board).

Mr. Ed Bailey addressed the Planning Board. He explained he owns the (Bailey) property on the corner of John Stark Highway and the two adjoining lots on 11 and 18 Unity Road. He stated that his dad had kept the pins as three separate lots. Surveyor, Mr. Clayton Platt has located all the pins. Mr. Bailey believed the Town had involuntarily merged the three lots. There was a document found that his parents had signed, the family could not unmerge the lots. He expressed his concern about there not being enough room for conforming side yard setbacks. Chairman Burnham explained if the lots were merged (by the Town), Mr. Bailey could have a minor subdivision done. The process was to have Mr. Platt find the two pins, move the line to create two conforming side yard setbacks. Mr. Bailey would go before the Planning Board for a minor subdivision and create three new conforming lots. Mr. Bailey said he had a person who wanted to buy the field and the barn; another wants to buy the house.

For clarification, Mr. Bailey said that his next steps were:

1. Have Mr. Platt move the line equidistant between the barn and the garage.
2. Go for a minor subdivision (either two or three building lots)

He thanked the Board members for the information.

With no more business in the public meeting, on a motion by Mr. Teller, seconded by Mr. Menard; *the Board voted to adjourn at 9:17 p.m. The motion passed 6-0-0.*

Respectfully submitted,

Maura Stetson
Scribe

Approved: November XX, 2021

The next meeting of the Planning Board will be on November 9, 2021 at 6 pm in the Board of Selectmen's Room.