

**TOWN OF NEWPORT, NH**  
**Minutes of the Planning Board Meeting**  
**July 10, 2018 – 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; Bert Spaulding, Sr.; Ray Kibbey, David Kibbey, John Hooper II, BOS Representative

**MEMBERS ABSENT:** Erna McCormick, Alternate;

**VIDEOGRAPHER:** Louis Cassorla, NCTV

**STAFF PRESENT:** Steve Schneider, Planning Administrator

**COMMUNITY MEMBERS PRESENT:** none

**CALL TO ORDER:** Chairman Burnham called the meeting to order at 6:00 p.m. followed by a roll call. Mr. David Kibbey was appointed to sit for a vacant chair on the Board.

**AGENDA REVIEW:** ADD Administration: Election of Officers (Mr. Spaulding, Sr.)

**CONTINUED BUSINESS:** none

Agenda item Newport Mills was taken out of order to accommodate the applicant

**ADMINISTRATION:** **Ron DeCola:** Newport Mills Update

Mr. Ron DeCola addressed the Board and thanked them for allowing him to present his case first. Reviewing the Mill Project for Board members, Mr. DeCola stated he had received a site plan approval on June 10, 2017 for a 66 apartment unit project in the mill and a self-standing storage unit near Cross Street (The self-storage site is not changing).

There had been a business model change since June 10, 2017. The scope of the project is currently 10,000 square feet of medical space, 4,000 square feet of restaurant space and 47 apartment units. In April 2018 Newport Mills had gone before the Newport ZBA and received permission for the change in use.

Mr. DeCola said he was before the Planning Board to request their signature on the most current site plan that they have.

He listed the changes on the site plan for the Mill Building:

- Parking calculations had been changed because of the new proposed use.
- The proposed use (medical, restaurant and apartments).
- The liquid propane (LP) tanks-a concern of the Planning Board’s-have been relocated.
- Change of the signature block

Mr. Merrow addressed Mr. Schneider and asked if the current number of handicapped spots was good with the change of use in the building. Mr. Schneider stated yes.

Mr. Merrow asked for the June 10, 2017 conditions that needed to be met before the site plan could be signed (Not available at meeting).

*From the Notice of Decision for:*

**2017-SPFP-004: Lofts at Newport Mills, Sunapee Street, LLC June 13, 2017((Owners), Ron DeCola (Agent)**

- 1) *Rewording of Site Plans Note 1 to include "Comply with all State, Local and Federal Laws and Regulations*
- 2) *Add the light pole locations to the Site Plan on pages three and four*
- 3) *File the amended Site Plan sheets three, four, five and six with the Town and record the As-Built's of the same pages unless the Sullivan County Registry will not accept pages five and six*
- 4) *Retaining walls 4 feet and taller will be engineered.*
- 5) *The applicant will begin construction within thirty-six(36) months beginning after the appeal period ends with no appeal being filed*

Mr. DeCola addressed the Board and asked that the condition concerning construction be changed to two years after the signing of the site plans at the July 10, 2018 meeting.

Mr. DeCola presented a new site plan and Mylar of the most current plan. He asked that the Board members sign this plan with the following changes:

1. The scrubbing of "DRAFT" on page 2
2. Correction of Engineer's stamp (currently upside-down)

Mr. DeCola stated that if the Board signed the site plans at the June 10, 2018 meeting, the applicant would add substitution pages. The applicants would not pick up the new site plans until they had produced the substitution pages.

There were no concerns from the public.

Mr. Hooper asked if there was a quorum of people that were present at the 2017 meeting to vote on the motion. There was a short discussion among the Board members on voting.

Mr. Merrow addressed Mr. Schneider and asked if there was a resubmission of the site plan. Mr. Schneider said no. Mr. Merrow stated it was hard to vote on it (2017-SPFP-004). Mr. Merrow asked to see Mr. DeCola's letter.

For clarification, Chairman Burnham stated that the Case in question was 2017-SPFP-004 The Lofts at Newport Mills, 169 Sunapee Street, LLC (Owners), Ron DeCola (Agent). The case had gone through one review and been signed. Action by the Board (on July 10, 2018) will be an amendment to the decision.

On a motion by Mr. Merrow, seconded by Mr. Ray Kibbey; ***the Board accepted the revised plan for the 2017-SPFP-004 The Lofts at Newport Mills 169 Sunapee Street, LLC (Owners), Ron DeCola (Agent) with the stipulations that:***

- 1) ***The scrubbing of "DRAFT" on all applicable site plan pages***

Mr. DeCola interrupted the motion to inform Chairman Burnham that the applicants had changed the name of the complex to Newport Mixed-Use Development until given an appropriate name.

Mr. Merrow amended his motion to state: ***that the Board accept the revised plan for the 2017-SPFP-004 The Lofts at Newport Mills 169 Sunapee Street, LLC (Owners), Ron DeCola (Agent) with the following stipulations:***

1. ***Change the title to Newport Mixed Use***
2. ***Scrubbing "DRAFT" from the site plans on all applicable pages so they will be originals***

It was seconded by Mr. Ray Kibbey. Chairman Burnham called for a vote.  
***The motion passed 4-0-0.***

Chairman Burnham and Mr. Merrow signed the site plans. The Mylar had been waived in a previous meeting.

**NEW BUSINESS:**

Mr. Spaulding, Sr. recused himself from Case 2018-ANFP-002

**2018-ANFP-002: Hospital Hill Realty & Summercrest Assisted Living LLC (Owners) & Julie Magnuson (Agent)** request final review of an annexation of land consisting of 2.07 acres from Hospital Hill Realty (Map 108 Lot 103) to Summercrest Assisted Living (Map 108 Lot 102). The properties are located at 167 and 169 Summer Street in the Single Family (R-1) and Rural (R) Zoning Districts.

Chairman Burnham opened Case 2018-ANFP-002.

Mr. Steve Gunnerson, Administrator at Summercrest addressed the Planning Board and thanked them for their approval and support of Summercrest's site plan in June 2018. They had addressed the issues the Planning Board had indicated and were seeking approval of the annexation at the July 10, 2018 because time was of the essence (for construction). He introduced Mr. Dan Hassan, CEO and one of the owners of Summercrest as well as Mr. Vern Violette, one of the owners of Summercrest and Hospital Hill Realty. Lastly, he introduced Ms. Julie Magnuson, (Agent) to the Board members.

Ms. Magnuson stated she had reviewed the June 12, 2018 Planning Board meeting. She informed the Board that Summercrest would be seeking federal money (HUD) for their project.

Ms. Magnuson read aloud from the application: "The purpose of the annexation is to exceed the criteria of the Newport Zoning Ordinance Article II Section 207.2 that states: Convalescent or rest homes provided they are located on a lot with an additional land area of 2,000 square feet. 24 additional beds would require 48,000 square feet (1.10 acres). This annexation exceeds that amount."

Chairman Burnham asked if the Board had any questions.

Mr. Ray Kibbey asked if the lines were the same as June 12, 2018. He was told yes.

Chairman Burnham asked for a motion. On a motion by Mr. Merrow seconded by Mr. Hooper; ***the Board voted to approve the application as presented for Case 2018-ANFP-002: Hospital Hill Realty & Summercrest Assisted Living LLC (Owners) & Julie Magnuson (Agent) request final review of an annexation of land consisting of 2.07 acres from Hospital Hill Realty (Map 108 Lot 103) to Summercrest Assisted Living. The properties are located at 167 and 169 Summer Street in the Single Family (R-1) and Rural (R) Zoning Districts. The motion passed 4-0-1 (David Kibbey abstained).***

Ms. Magnuson told Chairman Burnham that there should be three annexation plans in the case file for the Chairman and members to sign and a Mylar. Chairman Burnham also signed the Notice of Decision.

Chairman Burnham addressed the public and asked if there were any questions or comments before the Board members signed the documents. Mr. Spaulding, Sr. spoke in favor of the project.

The applicant was given a copy of the signed annexation plan and a Notice of Decision.

Mr. Spaulding, Sr. returned to his seat on the Planning Board.

**2018-ANFP-001: Scott Bennet (Owner), James & Dawn Wilson (Owners), Clayton Platt, LLS (Agent):** request a final review of an annexation of 0.43 Acres from Tax Map 113 Lot 071 (Bennett) to Tax Map 113 Lot 070 (Wilson). The properties are identified as Map 113 Lots 71 and 70 and are located at (and near) 24 East Mountain Rd in the Residential (R) and Single Family (R-1) Zoning Districts.

Chairman Burnham opened Case 2018-ANFP-001.

Chairman Burnham addressed the applicants and asked for a presentation of their case. They stated the information was before the Planning Board, it was straightforward. The applicants would like to annex the identified lots.

There were no questions from the Board members.  
There were no questions or comments from the public.

On a motion by Mr. Merrow, seconded by Mr. Ray Kibbey; *the Board accepted 2018-ANFP-001 annexation from Bennett to Wilson as proposed. The motion passed 6-0-0.*

Site plans were signed by all Board members.  
Chairman Burnham signed the Notice of Decision.

**2018-SPPP-002: Eversource (Owner), Nicholas Golon (Agent):** request review of a Site Plan for a proposed 2,560 sq. ft. garage addition and pave +/- 7,120 sq. ft. of existing compacted gravel. The property is identified as Map 107 Lot 012 and is located at 280 Sunapee St. in the (RC) Rural Commercial Zoning District.

Chairman Burnham opened Case 2016-SPPP-002.

Mr. Nicholas Golon, PE; addressed the Planning Board and using a posted site plan explained the area and the purpose of the proposed land modification and garage addition to the Board members.  
He explained:

- ❖ The proposed increase in the number of line trucks and subsequent need for additional garage space
- ❖ Proposed landscaping and addition of four parking spaces. handicap (ADA)
- ❖ The proposed additional paved area (7,000 sq. ft.), permeation (no net change), storm water runoff
- ❖ Color of building
- ❖ The proposed outside LED lighting above the proposed doors
- ❖ The proposed addition would be screened from the road by vegetation
- ❖ Proposed building would not be within any wetland area
- ❖ Runoff would be spread over a substantial area, not a fixed location

Mr. Golon was asked to explain grounding loop. He complied.

Mr. David Kibbey noted that their signature stamp was not correct. He stated that the Board could motion by it-Mr. Golon took a picture of an accurate one from Mr. Schneider. Mr. Golon would have it corrected.

Chairman Burnham asked if there would be a Mylar. Mr. Golon stated if it was required (by the Town of Newport). Chairman Burnham asked if there was a request to waive the Mylar. Mr. Golon stated no.

Mr. Golon stated the applicant was requesting a waiver of Article VI, Section F to maintain existing landscape and green space (proposed is 29%; Newport regulations state 35%).

Chairman Burnham asked for a motion to accept the application as complete. On a motion by Mr. David Kibbey, seconded by Mr. Spaulding, Sr.; ***the Board voted to accept the application as complete. The motion passed 6-0-0.***

Mr. Spaulding, Sr. asked about hours of operation, number of line trucks, noise and abutters during storms.

Mr. Spaulding, Sr. asked if there have been any noise complaints from this site. Neither Mr. Golon or Mr. Chuck Weber, Supervisor of Electrical Operations for Eversource in Newport; had been made aware of any noise complaints.

Mr. Spaulding, Sr. and Mr. Weber reviewed technical items pertaining to the vehicles.

There were no questions or comments from the public.

Chairman Burnham returned to the Board.

Mr. David Kibbey asked if there was a wetland delineation. Using the site plan as a visual, Mr. Golon stated there was none in their area.

Mr. Spaulding, Sr. asked if the runoff had increased. Mr. Golon that due to the materials used there was no net change.

Mr. Spaulding, Sr. asked if runoff was to one area or a number of areas. Mr. Golon answered a number of areas. He showed and explained the drainage management plan to the Board.

The Board was told maintenance of vehicles will be done in Keene, NH.

On a motion by Mr. Merrow, seconded by Mr. Spaulding, Sr.; ***the Board voted to approve 2018-SPPP-002: Eversource (Owner), Nicholas Golon (Agent): request review of a Site Plan for a proposed 2,560 sq. ft. garage addition and pave +/- 7,120 sq. ft. of existing compacted gravel with the following conditions:***

- 1. Revise the title Block to match the Newport Planning Board stamp***
- 2. Accept landscaping waiver to 29% green space in lieu of the required 35% Planning Board Regulation***

***The motion passed 6-0-0.***

The applicant would bring a Mylar to the Town Planning and Zoning Office.

Chairman Burnham signed the Notice of Decision.

**Continued Business:** none

**Minutes:** June 12, 2018

On a motion by Mr. Spaulding, Sr., seconded by Mr. Merrow; ***the Board approved the minutes of the June 12, 2018 Planning Board meeting with the following corrections:***

- 1. Page one, under MEMBERS ABSENT delete Barry Connell, BOS Ex Officio***
- 2. Page one, under STAFF PRESENT add last name Emerson (Liz Emerson)***

3. *Page two, middle of page; motion by Mr. Spaulding, Sr. should read, “On a motion by Bert Spaulding, Sr., seconded by Howard Dunn; the Board unanimously voted to approve the application.”*

*The motion passed 5-0-1 (Mr. David Kibbey abstained).*

#### **ADMINISTRATION:**

Mr. Spaulding, Sr. spoke at length about the election of officers and when the election should occur. He referenced the Board’s Rules of Procedure and read aloud from his copy. Mr. Ray Kibbey addressed the Board and Mr. Spaulding, Sr. and read aloud from his copy of the Rules of Procedure dated November 23, 2016. It stated the change that had been made for a seamless change in annual election of officers. When asked, Mr. Spaulding, Sr. noted he did not have the most recent copy of the Rules of Procedure. Mr. Schneider would see that every Board member received the updated Rules of Procedure.

Mr. Spaulding, Sr. read aloud from Title LXIV Planning and Zoning Section 673:10. Mr. Spaulding asked that the Planning Board adhere to RSA 673:10. He then spoke to the Board on subjects within the purview of the Planning Board. Mr. Spaulding addressed the Planning Board about how the Planning Board and the Town handled the proposed Zoning Ordinance amendment regarding hens. With regards to the election of officers of the Planning Board, Mr. Spaulding would like a commitment from the officers that the Board takes the necessary time to ensure that the RSA's are followed.

#### **COMMUNICATIONS:**

##### **Board:**

Mr. Merrow addressed Mr. Schneider and asked that all Town departments comment or not comment on cases they have been requested to for the Planning Board. Mr. Schneider asked that it be made into a motion.

Mr. Merrow made a motion *to insist that all Town Departments that are requested to respond to Planning Board submissions file a report even if it says NA so the Board has it for their review packet each month*. It was seconded by Mr. Spaulding, Sr. *The motion passed 6-0-0*.

Mr. Merrow requested that this begin for the August 2018 Planning Board cases.

**Public:** (Public Participation shall pertain to topics within the purview of the Planning Board) None.

##### Election of Officers

After a short discussion, on a motion by Mr. Spaulding, Sr., seconded by Mr. David Kibbey; *the Board elected Mr. David Burnham as Chairman of the Planning Board and Mr. Ken Merrow as Vice Chairman of the Planning Board. The motion passed 6-0-0*.

There being no further business in the public meeting, on a motion by Mr. Merrow, seconded by Mr. Spaulding, Sr.; *the Board voted to adjourn at 7:27 p.m. The motion passed 6-0-0*.

Respectfully submitted,

Maura Stetson and Steven Schneider  
Scribe