

**TOWN OF NEWPORT, NH**  
**Minutes of the Planning Board Meeting**  
**July 12, 2016 – 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; Howard Dunn, Bill Walsh, Bert Spaulding, Sr.; Erna McCormick, Alternate; David Hoyt, BOS Representative

**MEMBERS ABSENT:** David Kibbey, Alternate; Ray Kibbey

**VIDEOGRAPHER:** Louis Cassorla, NCTV

**STAFF PRESENT:** Julie M. Magnuson, Planning and Zoning Administrator

**COMMUNITY MEMEBERS PRESENT:** Jeff Kessler, Chairman of Newport Board of Selectmen; John Hooper II, Newport Selectman; Ed Karr

**CALL TO ORDER:** Chairman Dunn called the meeting to order at 6:00 p.m. followed by a roll call. Ms. McCormick was appointed to sit for absent member Ray Kibbey.

Chairman Dunn addressed the Board and viewing public and announced that he would not be a candidate for the position of Chair of the Planning Board due to family reasons. He gave a historical overview of his involvement with the Planning Board and stated that he was proud of the positive changes within the Town of Newport that the Planning Board had assisted with. He applauded the individual citizens, organizations, businesses and Town departments that had made the improvements possible.

Continuing, he stated that the Planning Board had provided guidance, but that the improvements had come from the people of the Town. Chairman Dunn reviewed for the Board and viewing public the key groups that had set goals and worked toward their achievements. One such group was the Capital Improvement Planning Committee (CIP). He concluded by stating that the Planning Board had done their work in meeting settings and had “stepped aside” to allow citizens to work and improve the Town.

Chairman Dunn moved on to the election of officers. Addressing the Planning Board members he suggested that they consider the nominations of Mr. David Burnham as Chairman and Mr. Ken Merrow as Vice Chairman. He invited nominations from the Board.

**ELECTION OF OFFICERS:**

On a motion by Mr. Walsh, seconded by Ms. McCormick; *the Board voted to appoint Mr. David Burnham Chairman of the Planning Board and Mr. Ken Merrow Vice Chairman of the Planning Board. The motion passed 6-0-1 (Spaulding abstained).*

The meeting was turned over to newly appointed Chairman Burnham.

Chairman Burnham addressed Mr. Dunn and thanked him for his years of service as Chairman of the Planning Board.

**MINUTES: June 14, 2016**

On a motion by Mr. Walsh, seconded by Mr. Merrow; *the Board approved the minutes of the June 14, 2016 meeting. The motion passed 5-0-2 (Spaulding and McCormick abstained).*

**AGENDA REVIEW:** Add three items under Administration. 1. Discussion of updating Subdivision Regulations, 2. CIP Committee, 3. Newly submitted plans from Takoa Missions, Inc. for signing. To be addressed after New Business (Magnuson).

**CONTINUED BUSINESS:** none

Ms. Magnuson was acknowledged by Chairman Burnham. She asked permission to read aloud a statement to the Planning Board into the record.

*"It has come to my attention that the recommendations I made in my Administrative Review for tonight's meeting (July 12, 2016) might be considered to be leading the Board members in a certain direction. My intention in those recommendations is not to do that. I'm sure that all of you are aware that you are welcome to disregard any of my comments at any time. The decisions are always yours to make. If any of you feel you should be disqualified as a result of this review, please notify the Chairman before he opens the public hearing."*

Mr. Walsh addressed the Chair and Board and stated that in the various cities he had worked in the administration was expected to provide an administrative review to each board. The reviews were to provide objective comments intended to help the board with its deliberations. Speaking of the remarks in the administrative review provided for the July 12, 2016 meeting he stated that the advice was objective information for the Board members. If the provided objective administrative reviews were curtailed he would be less informed of the case.

Mr. Merrow concurred with Mr. Walsh and his assessment of the administrative reviews they were provided. He stated that the Board needed to make an informed decision on each and every case. The Board members relied on the objective information. Mr. Merrow concluded by stating he had attended numerous (out-of-town) Planning Boards and they all had staff administrative reviews.

Mr. Walsh reminded the Board that the Administrative Reviews routinely had important comments from Department heads within the Town that Board members could use in their questions to applicants and in deliberations of granting or approving cases before them.

Mr. Dunn addressed the Planning Board members and stated that for clarification he did not believe that anyone was requesting a change in department head reports or curtailing Ms. Magnuson's Administrative Review. He believed that Ms. Magnuson was stating that she was going to "cease making an opinion as to whether or not the (Planning) Board should approve or disapprove a project." The rest of her work would remain the same. Ms. Magnuson concurred and specified unless she was directed otherwise.

Mr. Spaulding, Sr. gave a dialogue on his opinion of the role of the Planning Board and its Rules of Procedure. He gave his opinion that "the staff recommends approving the subdivision and site plan as presented" needed to be removed (from Administrative Reviews). Addressing Ms. Magnuson, Mr. Spaulding, Sr. asked if she would no longer be adding that phrase. Ms. Magnuson stated she would no longer be using those words. He addressed her and repeatedly questioned the removal of the verbiage. Mr. Spaulding, Sr. then addressed the Planning Board members and gave his explanation of Ms. Magnuson's statement.

Mr. Dunn addressed the Board members and stated that for absolute clarity it had always been important to him to have staff determine whether an application was in violation of any of Newport's regulations. He hoped that the recommendations would continue.

Mr. Walsh gave his opinion on the use of an administrative review.

Chairman Burnham addressed the Board members and Ms. Magnuson and stated that in future Administrative Reviews there would no longer have the statement that the staff recommends the approvals of any case. They would just be given the facts. The Board's job would be hindered if there was not an administrative review. Instead of Ms. Magnuson objectively addressing case information (which she was paid by the Town to do); the Board would have to and decide whether it was right or wrong.

Mr. Hoyt said that they still wanted Ms. Magnuson to present the facts to the Board. We don't want her to give an opinion as to whether a case needs to be approved or not; that was the job of the Planning Board members and to make sure that all requirements have been met. Her job was to present the facts.

Chairman Burnham addressed Mr. Hoyt and Mr. Spaulding, Sr. and referenced the Administrative Review they had been given. He stated that the word "staff" meant all staff; all department heads that collectively gave their information for the Review.

Mr. Walsh addressed the Chair and stated that in the future the 'staff' might not recommend the approval of a case and listed why. We (Planning Board) would be given guidance if the case went against land use law or was against the ordinances of the Town. He gave his opinion of having that information in an Administrative Review. He would not want to have the Ms. Magnuson's reviews restricted from including those statements.

Mr. Spaulding, Sr. made a motion that the Planning Board abide by the law and the Constitution and their oaths of office.

Mr. Walsh stated he believe they did. Ms. McCormick stated they had already sworn to that. Mr. Spaulding addressed Mr. Walsh and said he made a motion.

Mr. Burnham called for a second.

Mr. Merrow called for a Point of Order. He stated that there was a new individual sitting on the Board that previously was suing the Town. He didn't know how the Town could allow him to sit on the Planning Board without verification that the case had been settled. Addressing the Chairman he asked if there was written confirmation of a settlement. Mr. Dunn answered for the Chair and stated there was not. There was a short discussion.

Mr. Merrow stated from his perspective and seat on the Planning Board he had an issue with a member or proposed member of the Planning Board voting on Planning Board business without a settlement of the court case.

Mr. Dunn was acknowledged. He addressed the Planning Board and members of the Selectboard in attendance at the Planning Board meeting. He stated that Bert Spaulding had been appointed by the Board of Selectmen and was entitled to act as a regular member of the Planning Board.

Mr. Spaulding, Sr. added, "regardless of any ligation at all".

The Chair acknowledged Mr. Walsh. Mr. Walsh asked that Mr. Spaulding, Sr. restate his motion.

Mr. Dunn stated that before Mr. Spaulding, Sr. repeated his motion, that for clarification, if there was no second then the motion died.

Mr. Hoyt said that for purposes of discussion he would second Mr. Spaulding, Sr. motion.

Mr. Walsh again asked Mr. Spaulding, Sr. to repeat his motion.

Mr. Spaulding, Sr. repeated that the Planning Board abide by the law and the Constitution and their oaths of office.

The motion was opened to discussion. Mr. Walsh addressed the Chair and stated that he was not aware that he or anyone else on the Board was in violation of items stated in the motion. He explained and said he hoped that Mr. Spaulding, Sr. did not intend to imply that any Board member was in violation of items stated in the motion.

Mr. Spaulding, Sr. requested to speak to the motion. Addressing Mr. Walsh, he stated that the relevance of the motion was that Mr. Walsh needed to meet the juror standard; he had to be impartial as the law of humanity admit. He continued, stating that if the Board had already made up their mind or needed the recommendations (in the Administrative Review) to make up their mind they are disqualified. He cited court case to make his point. He stated if the Board understood, they would agree.

Mr. Walsh gave a short discourse on the constructive use of the Administrative Review in case business.

Ms. McCormick stated her understanding was that she had already sworn an oath to abide by this ten years ago. Chairman Burnham told her she did.

Mr. Dunn addressed the Planning Board and said that Ms. McCormick had stated it. The Planning Board members all had an obligation to follow the rules of law in our role as quasi-judicial participants in an important process.

Mr. Dunn stated he was going to vote against the motion because he felt that any motion presented to the Planning Board that had no purpose whatsoever; was inappropriate, a waste of time and may have an agenda associated with it that they didn't see. Therefore he proposed; not that he was going to act any way contrary to the law, but because of the reasons he stated he was going to vote against the motion and he invited the other Planning Board members to join him in voting against it.

Chairman Burnham addressed the Board members and asked if there were further comments or questions.

Mr. Hoyt stated they could argue that point with any motion. The Board members did not know if there was an unknown agenda when a motion was made. He personally considered it a basic motion and if the Board voted against it; they were voting not to uphold their legal obligations.

Ms. McCormick stated she did. Mr. Hoyt agreed she did. He stated that they were reaffirming the oath by voting yes on the motion. He gave his opinion of voting no on the motion.

Mr. Walsh stated he was concerned that accepting this motion or passing this motion was in the context of this discussion. He stated that the initial discussion on the motion might be construed as casting a cloud over the Planning Board and question the behavior of any number of the Planning Board members. That

would be inappropriate. He believed it made a bad public impression due to context. For those reasons and Mr. Dunn's he cast a no vote.

Mr. Spaulding, Sr. addressed the Board members and gave a lengthy dialogue in which he listed his interpretation of legal reasons to have an Administrative Review provided to them.

Directing a statement to Mr. Walsh, he asked if Mr. Walsh would like him to shut up. Mr. Spaulding stated that he had listened to Mr. Walsh.

Mr. Spaulding continued with a lengthy dialogue of the subject and debate of terminology that could and should not be in an administrative review.

Mr. Merrow addressed the Chair and stated he viewed the wording in Ms. Magnuson's Reviews as helpful. It was not like the mailings sent out prior to Town and School voting to pre-prejudice residents at the polls or the individuals outside polls in support or against Articles ..... Continuing, he stated that in the Planning Board cases, Board members rely on staff recommendations. He asked if the wording could be different: staff recommends the rules of Newport? They were arguing about semantics. To be prejudged, saying that the Board members would come into a meeting and vote in a specific way due to the Administrative Review was an insult. That was the way he felt.

Mr. Walsh said if Mr. Spaulding, Sr. wanted to change the wording of "staff recommends" to "the Board may"; it was a matter of semantics. It should not be overanalyzed. He explained the subject further.

Mr. Dunn stated that based on what Mr. Spaulding, Sr. said; he clearly disagreed with Mr. Spaulding, Sr. Mr. Spaulding, Sr.'s interpretation of the law was his interpretation of the law. He was allowed his opinion. That was not Mr. Dunn's interpretation of the law. Addressing the Chairman he stated that he did not believe the motion was in order.

Mr. Dunn *moved as a Point of Order that Mr. Spaulding, Sr.'s motion be ruled out of order.*

Mr. Spaulding stated there was a motion on the floor.

Mr. Dunn addressed the Board and Mr. Spaulding and stated he had moved a Point of Order.

Mr. Spaulding stated it was good in a Town meeting, not at the Planning Board.

Mr. Dunn stated it depended who the Chairman was. He asked if there was a second to the Point of Order. Mr. Walsh seconded the Point of Order.

Chairman Burnham stated there was Point of Order motion and second on the floor. Mr. Dunn reiterated the motion (seconded by Mr. Walsh): ***The motion (Mr. Spaulding, Sr.'s) was not in the duties of the quasi-judicial body and therefore it was out of order and we (Planning Board) should move on to other matters.*** Chairman Burnham called for a vote. ***The motion passed 5-2-0 (Spaulding and Hoyt opposed).***

Mr. Spaulding, Sr. addressed Chairman Burnham and said: "Mr. Chairman, at this point I challenge you and I challenge Bill".

## **NEW BUSINESS:**

Chairman Burnham instructed the Board members to go to New Business. He acknowledged Ms. Magnuson. She stated that she had new information that the Board members did not have in their packets that she would like to present. She would add the information to her review. Chairman Burnham agreed.

**2016-SDFP-001: Hillside Plaza: Richard N. Bascom Trust (Owner) and Clayton Platt, LLS (Agent)** request review of a minor, two-lot subdivision. The applicant proposed to subdivide the plaza property into one lot containing the gym and shop space above and the other lot with the old barn (retail) and accessory apartment. The property is identified as Map 116, Lot 072, and located at 35 Spring Street in the Industrial (I) Zoning District.

Chairman Burnham opened Case 2016-SDFP-001 and asked Ms. Magnuson for her Administrative Review. Ms. Magnuson stated that the plans she and the other departments had received had been revised. She had received the new plans on July 12, 2016 during business hours. The only changes in the plans from the ones they had received in their packets were the added proposed easement and the location of the monuments that were set. There had also been discussion between the lot owner (Rick Bascom) and the Highway Superintendent (Bill Scanlon) concerning two easements. The lot owner was asked to give the Town a fifteen foot easement. The plan indicated a twenty (20) foot easement to the Town and Mr. Bascom stated that he would also grant an easement for the existing drainage system.

Ms. Magnuson then read the rest of her Administrative Review into the record.

Chairman Burnham asked for a motion to accept the application as complete. On a motion by Mr. Merrow, seconded by Ms. McCormick; ***the Board voted to accept the application as complete. The motion passed 7-0-0.***

Mr. Clayton Platt, agent, addressed the Planning Board and using a site plan explained the applicant's proposed project. Building footprints would remain the same. Mr. Platt stated there was a very old culvert which ran underneath the building on Spring Street.

Mr. Merrow asked about an easement to the Flewelling property abutting the applicant's property. Mr. Platt stated that there wasn't an easement on record, that the Flewellings had been using his client's land to access theirs.

Mr. Merrow stated that for future resale the lack of an easement should be clearly defined or cleared up.

Chairman Burnham addressed Mr. Platt and asked if there was an easement of record. Mr. Platt stated there was none. Chairman Burnham stated that for the case before them it was a moot point, it would not affect the decision of the Planning Board.

Mr. Spaulding asked if the tennis court (on the plan) was fenced. Mr. Platt corrected that it was a volley ball court. He stated that it currently was not used, there were timbers in the ground and it made a good reference point on the property. Mr. Spaulding asked if it was a structure. Mr. Platt stated it was not a structure.

There being no further questions from the Board, Chairman Burnham opened the hearing to the public.

Chairman Burnham acknowledged Mr. Ed Karr.

Mr. Karr stated that he had a three part question.

The traffic pattern. He stated it sounded as though traffic ingress and egress had been established. As a neighbor, he was aware of the traffic out of the property. He asked when the traffic pattern would be in place. He asked about the movement of vehicles from lot 1 to lot 2. Mr. Platt stated there would be a

second hearing in which those plans would be discussed. Mr. Karr asked if the property would then have two driveways for cars. He asked the timeframe before the properties would have markers separating them. He requested, as a citizen, that this be expedited.

Town Construction Project. Mr. Karr's second question was whether they had talked to the Town concerning the water project on 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and Knoll Streets. He expressed his concern on the amount of water that would be flowing down the hill toward the applicant's property and inquired whether the easement the Town was being granted would be large enough for the water flow.

Ms. Magnuson was acknowledged by the Chair. She stated that in email correspondence (between the applicant and Highway Department Superintendent Bill Scanlon) Mr. Larry Wiggins, P.E. Public Works Department Director; was copied on every email. He is very aware of the water project referred to by Mr. Karr. She was confident that he was aware of the case.

Sound. Mr. Karr then stated that in 1993 and 1994 there were approvals in a subdivision for variances concerning sound. It went to the lot, not business. With this new two-lot subdivision request, would the neighbors be potentially subjected to noise similar to "God forbid the American Legion" with its close proximity? He asked for facts; if it meant that the new proprietors could play music all night, etc. He requested that the Board look at the conditions imposed on previous owners. He requested answers to his questions.

Chairman Burnham stated that he did not know about jurisdiction over usage, which would be the purview of the Zoning Board of Adjustments (ZBA). He addressed Ms. Magnuson and asked if it had been discussed at the Zoning Board meeting. She replied that the Zoning Board case had only involved the apartment (in the building on Spring Street). She stated she could address some information for the Board and abutter. Chairman Burnham asked her to continue.

Ms. Magnuson stated that the lot was zoned Industrial. The uses allowed would be the same as in the Industrial Zone. With a change of use such as a night club, it would need to go to ZBA for their approval. Mr. Karr asked for clarification of usage and zoning district. Ms. Magnuson explained.

Mr. Karr again addressed the traffic. He asked if the Planning Board had the authority to recommend speed on the streets cars would egress onto. Chairman Burnham stated the Planning Board only had the authority over the lots. Once a vehicle was on the Town road, it was a police matter. Mr. Hoyt stated Mr. Karr would have to make a complaint to the Newport Police Department.

There was a discussion on motor vehicle infractions on the road and which department had purview over such complaints and concerns. Mr. Karr reminded them that as a Board they carried weight. He thanked them all.

Chairman Burnham acknowledged Mr. Rick Bascom. Mr. Bascom stated he was happy to see the lots cleaned up and something being done with it. He said it was looking better every day and he was very pleased.

Chairman Burnham returned to the Board for questions. He then asked the pleasure of the Board. For clarification, Mr. Dunn asked if there was any condition being asked for the case. He was told there wasn't.

On a motion by Mr. Dunn, seconded by Mr. Merrow; ***the Board voted to approve the subdivision as presented. The motion passed 7-0-0.***

Chairman Burnham signed the Notice of Decision; there were three sets of subdivision plans that needed to be signed as well as a Mylar which would be recorded at the Registry of Deeds.

**2016-SPFP-001: Hillside Plaza: Richard N. Bascom Trust (Owner) and Clayton Platt, LLS (Agent)** request review of a site plan that will allow for the construction of improvements on property identified as Map 116, Lot 072, and located at 35 Spring Street in the Industrial (I)

Chairman Burnham opened the public hearing.

On a motion by Mr. Dunn, seconded by Mr. Merrow; *the Board accepted the application as complete. The motion passed 7-0-0.*

He acknowledged Ms. Magnuson for her Administrative Review. Ms. Magnuson stated her Review was identical to the previous case (2016-SDFP-001). The only additional comment would be voicing Mr. Karr's concern about the timeline. The Board might want to make it a condition. They could set any timeframe they'd like; whatever the Board felt was reasonable.

Chairman Burnham acknowledged Mr. Platt and asked if there was additional information he would like to add for the Case.

Using a posted site plan, Mr. Platt stated what the applicant proposed to do.

- There would be fencing separating Lot 1 and 2 (boulders/shrubs/landscaped trees)
- There would be no paving to the Lots. The lines indicated on their plans were to show that the applicant had the required spaces for each business.
- Additional greenspace would be added to Lot 2 (35% was required in the Ordinance).
- There had been discussion with the Highway Department about ingress/egress. They approved the location, width and configuration.

Chairman Burnham asked for clarification that there would be no direct traffic from Lots 1 and 2. Mr. Platt stated that was correct.

Mr. Dunn requested that the owner explain plans for the separation fence between the two lots and what the installation timeframe would be.

Mr. Rick Bascom stated he could not speak to the separation fence. His tenant, Jesse Ryan, would be responsible for its installation; he was not at the meeting. Mr. Bascom's understanding was that Mr. Ryan would be working on it in the summer and fall and proposed to have it completed the fall of 2016.

Ms. Magnuson addressed the Planning Board and stated that Mr. Ryan had been sent a notice of the Planning Board meeting for him to attend.

Chairman Burnham stated that the Planning Board would like to have a definite completion date of at least barrier fences to prohibit people from crossing over the lots.

Ms. Magnuson was acknowledged. She stated the request would not be unreasonable for the Planning Board; that other cases had made a condition precedent; meaning the applicant could not use the building until the condition had been met and improvements were in place. The Planning Board could do that or establish their own timeframe, whatever they felt was reasonable.

Mr. Dunn stated the Board also wanted to accommodate the needs of the owner and he sensed a hesitancy in the owner. Mr. Bascom stated that Mr. Ryan was already in the building. The Zoning Board had given

approval for the apartment and he was currently living there. Mr. Ryan was not ready to open his store but his intention was to open as soon as possible. He agreed with the Board on a reasonable timeframe for the barrier fence completion.

Mr. Dunn asked if December 1, 2016 was a reasonable timeframe. Mr. Bascom said it was and stated he hoped it would be completed before then.

Mr. Walsh asked, for clarification, if there was no change of use other than those cited on the plan as existing.

Mr. Hoyt asked if the storm drain was the Town's responsibility (under the building). Mr. Platt stated that was their (his and Mr. Bascom's) position that it was, since it was Town water that flowed through the pipe.

Mr. Hoyt then asked if the applicant was changing the grade of the parking lot area. He was told no. He then asked about the two storm drain covers shown on the site plan.

Mr. Bascom stated that approximately two years ago the Town did improvements to the storm drain. He stated he did not know the exact work done.

Mr. Burnham read aloud from a letter from Highway Department Superintendent Bill Scanlon. He identified paragraph three which requested that the landowner provide the Town a written drainage easement for repair and maintenance of the underground drainage located 35 Spring Street.

Mr. Hoyt and Mr. Merrow asked additional questions concerning the storm drains. Mr. Platt answered them all.

There was a short discussion of how items on the site plan and Mylar were worded.

After the discussion, Mr. Merrow stated that the Town should receive a letter from the landowner providing a written drainage easement for repairs and maintenance of the drainage located on Spring Street.

Chairman Burnham addressed the Board and again read aloud the letter from Highway Superintendent Scanlon into the record. There was a discussion on the drainage easement and liability of the Town due to the easement.

Mr. Spaulding stated that: The runoff will be increased with the sewer and drainage project construction on 1st, 2nd, 3rd, 4th and Knoll Streets. The runoff will be directed into the existing pipe. What is the pipe's size, capacity and longevity? He hoped that with the easement being given that engineering will make sure that it is appropriate. The major question was whether the runoff would be directed under the building or other.

Mr. Walsh reiterated Mr. Spaulding's statements, asking if he meant that it should conform to the Town's future plans with drainage and sewer construction uphill?

There was a discussion on the meaning between Mr. Walsh and Mr. Spaulding.

Ms. Magnuson was acknowledged by the Chair. Ms. Magnuson stated that the construction was in the future; the subdivision was before the Planning Board tonight (June 12, 2016). She asked if it was correct

to be discussing the runoff at the Planning Board meeting or would it be a subject between the Public Works Department and the landowners when they start on the project.

Mr. Dunn stated that the Town had an obligation to deal with any increase of runoff caused by construction activity. It would have that duty regardless. The owner did not have the responsibility. It seemed to him that the Planning Board should make a condition that the plan be revised to include that the Town shall have a right to maintain the existing storm drainage subject to not disturbing the improvements made by the owner of the property.

Chairman Burnham addressed Mr. Bascom and asked an easement been drawn up yet and if the Town had a copy. Mr. Bascom stated one had not.

Mr. Dunn stated that the Planning Board could insert language that would lead to that. If it was a condition of the Planning Board approval, then it was taken care of. The Town would have a right to take reasonable action to maintain the sewer line without disturbing the improvements to the property of the owner.

There was a lengthy general discussion on what the approval conditions should be and how they should read. Chairman Burnham read aloud a letter from Mr. Bascom concerning all the issues the Board members were deliberating and stated it seemed they had been addressed.

There was continued discussion on the easement. Mr. Platt explained the storm drain under the building and stated that the Newport Public Works Department was aware of it and the history of its construction. Discussion on the storm drains and easements continued, including any responsibilities of the Town.

Mr. Bascom asked to speak to the subject. He said that the drainage was old and would not accommodate the additional runoff there would be after construction uphill. Recognizing that and knowing there was no formal easement agreement in place he was willing to give the Town an easement to maintain what is there. He also was giving an additional easement so the Town could rebuild the drainage where it probably should go and not under the building. He stated he was willing to cooperate with the Town and give up some of his property rights to the Town to make sure the easement for the drainage system was maintained and upgraded so there would be no problems. He concluded by stating it was in everyone's best interests if nothing flooded. The Planning Board could make it a condition, although he had stated he would give it to the Town.

Mr. Dunn addressed Mr. Platt and asked, for clarification that the easement the Board was talking about was not on the plans. Mr. Platt stated it was not noted on the site plan.

There was a new discussion with the landowner on the easement and current conditions.

Chairman Burnham stated that the drainage system had been thoroughly discussed. He asked if there were any further questions on the lot(s) themselves.

Mr. Merrow asked if there would be additional lighting. He was told no, only the existing lighting.

Chairman Burnham stated that a timeline for completing the separation fence needed to be established. He stated that a date of January 1, 2017 would give him the rest of the year. He asked the applicant if that was agreeable. Mr. Bascom stated it was.

Mr. Karr asked if the Board accepted additional public comments. He stated that the Planning Board had met tonight and they knew about the construction project. The biggest problem the Town had (with the

impending construction) was not having easements to maintain the drainage pipes that were laid. Mr. Bascom was willing to give more area than was necessary in easements. Mr. Karr said that the Board members had talked circles around the issue. Mr. Karr thought that the Planning Board should help the Town and happily accept his offer of easements.

Mr. Hoyt said he agreed with Mr. Spaulding on the engineer studying the construction on 1st, 2nd, 3rd, 4th and Knoll Streets. Mr. Hoyt argued points of Mr. Karr's statements.

There was further discussion on the easements.

On a motion by Mr. Merrow, seconded by Mr. Walsh; ***the Board voted to approve the application with the condition that the fencing and separation improvements be completed prior to December 1, 2016. The motion passed 7-0-0.***

Chairman Burnham signed the Notice of Decision and had the full Board sign three copies of the subdivision plans.

#### **ADMINISTRATION:**

Ms. Magnuson addressed the Board and discussed the Capitol Improvements Plan (CIP). She stated it had previously been done in 1993. She had a list of committee members and their positions within the Town. Ms. Magnuson stated that the authority for the CIP had been given to the Planning Board at a Town Meeting in 1986. She read aloud the Warrant Article decision and the committee member positions.

Ms. Magnuson stated she was looking for a vote by the Planning Board to have the Selectmen go forward with the process and find people to fill the committee positions in order to reestablish the committee.

Mr. Dunn asked if it should be the Planning Board who would appoint the members (Ms. Magnuson had been told the Board of Selectmen). Mr. Dunn stated it was not the historic practice to have the BOS do the appointing. In the past, the Planning Board Chair did the appointments. Ms. Magnuson asked if the Planning Board would like to advertise for the openings on the committee. She stated she could send out advertisements.

On a motion by Mr. Dunn, seconded by Mr. Merrow; ***the Planning Board voted to have Ms. Magnuson advertise for positions on the CIP. The motion passed 6-0-1 (Spaulding abstained).***

#### Takoa Missions Plans

Ms. Magnuson explained the Takoa Missions case to the new Board members. She stated that the application had been approved January 26, 2016 with conditions and explained them. The two Planning Board members that had been appointed to sign plans were Todd Fratzel and Jeff North. They were no longer Planning Board members. The other members at the January 26, 2016 meeting were Mr. Dunn, Chairman Burnham and Mr. Merrow and Mr. Walsh.

Two of those four were needed to sign the plans. Chairman Burnham appointed Mr. Dunn and himself to sign the site plans.

#### Discussion of updating Subdivision Regulations

Ms. Magnuson stated that Newport needed to update its subdivision regulations. She had acquired boilerplate regulations from various towns. She explained a proposed course of action to create a new set of written regulations.

Mr. Merrow addressed Ms. Magnuson and said that he would like her to start with Newport's current regulations and compare and add to them from other towns, not adopt a whole new set of regulations. Ms. Magnuson explained a side by side comparison that could be done. Mr. Merrow and Ms. McCormick agreed to that approach.

Mr. Dunn requested that Ms. Magnuson send, by email, the two town regulations to the Board members for a month, have each Board member review them and when they had completed, discuss in a Planning Board meeting which approach would be best. Mentioning some issues with the Newport regulations, he stated that the Board members might want to start with the other town's (Antrim) regulations.

For clarification, Ms. Magnuson stated that she would be emailing the Planning Board members copies of the Town of Antrim regulations and the Town of Newport regulations.

There was a general discussion on the procedure to take on compiling and integrating the most current regulations available with the Newport subdivision regulations.

On a motion by Mr. Spaulding, Sr., seconded by Ms. McCormick; ***the Board voted to adjourn at 7:57 pm. The motion passed 7-0-0.***

Respectfully submitted,

Scribe

Approved on: August 9, 2016