

TOWN OF NEWPORT, NH
Minutes of the Planning Board Meeting
February 1, 2022 – 6:00 P.M.
Board of Selectmen's Room
15 Sunapee Street

Regular Meeting and Public Hearing

MEMBERS PRESENT: David Burnham, Chairman; Ken Merrow, Vice Chairman; Herbert Tellor, Jr., BOS Representative; Tobin Menard, Sean Glasscock and Bert Spaulding, Sr. alternate

MEMBER(S) ABSENT: Ray Kibbey, David Kibbey, alternate

VIDEOGRAPHER: NCTV

STAFF PRESENT: Christina Donovan, Planning and Zoning Administrator

COMMUNITY MEMBERS PRESENT: Dan Mott, David Schultz, abutter (Case 2021-SPFP-007); Douglas Campbell

CALL TO ORDER: Chairman Burnham called the meeting to order at 6:00 p.m. followed by a roll call of sitting members. Chairman Burnham appointed Mr. Spaulding, Sr. to sit for Mr. Ray Kibbey.

AGENDA REVIEW: Ms. Donovan addressed the Board and requested that the Board hear agenda items out of order, specifically, to hear and discuss Definitions: Lot Line Adjustment/Annexation/Subdivision. She explained it is in direct regards to the first case; Case 2021-ANNEX-003. Mr. Merrow made a motion *to change the agenda order and move Definitions to the first (order of business)*. It was seconded by Mr. Menard. *The motion passed 6-0-0.*

Definitions: Lot Line Adjustment/Annexation/Subdivision

Mr. Spaulding, Sr. addressed Chairman Burnham and asked to speak on the agenda item. Mr. Spaulding, Sr. gave an explanation of the definitions of lot line adjustment, annexation and subdivision to the Board. He then asked that they consider incorporating wording in their Land Use Books to clarify the position that the Board should take in the future. There was a lengthy discussion among Mr. Spaulding, Sr.; the Board members and Ms. Donovan on each definition. Mr. Spaulding, Sr. concluded by requesting that the Board make a motion to conduct a hearing to discuss changing the subdivision regulations (as they are written). Mr. Merrow clarified that the Board had been discussing the terminology for several months (as stated in the minutes) and that Ms. Donovan had been directed to assist with research on the definitions. Board members now had definitions and explanations from several sources. They would follow up with any needed changes and interpretations in future meetings. Chairman Burnham thanked Mr. Spaulding, Sr. for his input on the definition agenda item.

Ms. Donovan stated she will email the Board concerning an additional work meeting during the month of March. There was no discussion.

Mr. Spaulding, Sr. recused himself from the rest of the meeting at 6:36 p.m.

CONTINUED BUSINESS:

2021-ANNEX-003: McGuire Family Trust (Owner) Allan and Marylou McGuire (agent): Request a final review for an annexation/lot line adjustment, 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 continued Case 2021-ANNEX-003.

Mr. Merrow made a motion *to approve the minor subdivision/annexation/lot line adjustment (Case 2021-ANNEX-003) as submitted*. It was seconded by Mr. Tellor. *The motion passed 5-0-0*. The Board members present signed the Mylar. It will be recorded at the Sullivan County Registry of Deeds.

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)

Chairman Burnham opened continued Case 2021-SDFP-007 (from the Board's December 14, 2021 meeting) and acknowledged Mr. Ron DeCola.

Mr. DeCola thanked the Board for allowing him to join the meeting via zoom. Mr. DeCola stated the case was continued from the Board's December 14, 2021 meeting. There had been four outstanding issues that the Board wanted him to follow-up on concerning the 21 Cross Street site.

1. Go before the Conservation Commission (January 19, 2022)

Mr. DeCola stated there were no wetlands on the building site. The river frontage is the jurisdiction of the NH DES. He stated that the Conservation Commission was going to defer to the DES and permitting process. The applicant may have to appear before the Conservation Commission depending upon any issues with DES.

2. Obtain a Department of Public Works sign off for the site

Mr. Cartier emailed Ms. Donovan on 2.01.2022. Ms. Donovan stated Mr. Cartier's information was in the Board packet along with sewer and traffic information.

3. Send a copy of the Traffic Memorandum to the Planning and Zoning Office

Mr. DeCola had provided the Traffic Memorandum (dated May 8, 2017) to the Town Planning Office and Board.

4. Obtain a Police Department sign off for the project.

Ms. Donovan stated Police Chief Wilmot signed off (in writing) that they did not believe any changes needed to be made to the site plan for them (Police Department) to do their job.

Mr. DeCola stated that he would answer any questions from the Board members.

1. Chairman Burnham asked about the discrepancy in water line size: the drawing showed an eight (8) inch line; the report from Mr. Jon Rokeh, PE mentions a twelve (12) inch line. Mr. DeCola stated there was a plan discrepancy. Mr. Cartier noted in his report that it would have to be verified 'in the field'. Mr. DeCola said that he had used the same information in plans for a previous case that went before the Town Boards.
2. Chairman Burnham said that Mr. Cartier's report stated that garbage disposal units (in individual units) were not allowed. He told Mr. DeCola to have it noted on the plan. Mr. Merrow stated it was a building plan issue.
3. The Traffic Memorandum (by Stephen G. Pernaw & Company, Inc.). Chairman Burnham reviewed the conclusions in the report.

Requirements by Board and Town:

- 1) Mr. Merrow stated at the last meeting they had requested updated plans from the applicant. They have not received them.
- 2) Mr. Merrow asked that as in the Spring Street Case, the Board make a condition of approval to have a sidewalk on the applicant's building side along Canal Street from the turnaround to the Sunapee Street intersection for improved safety for pedestrians (including ADA engineering).
- 3) Chairman Burnham stated that the applicant already has a sidewalk on the site plan, but not as extensive as what is being asked.

- 4) Chairman Burnham informed Mr. DeCola that when he does the outtakes on the proposed lighting the Board requires a copy of the report.
- 5) He also stated the Town (ordinance) requires that the lights need to be downcast and have a sharp cutoff. It was not noted in the site plan. Mr. DeCola stated he believed his civil engineer spec'd them that way.
- 6) Mr. Merrow stated there will be a photometric study of the property and the parking area to ensure the light did not spill off their property.
- 7) Mr. Tellor stated the Conservation Commission was concerned about trash blowing from the dumpsters toward the river. The Commission was requesting some fencing. Mr. DeCola stated they would enclose the dumpster.

Chairman Burnham addressed the public in attendance and stated that only discussion germane to the site plan approval of 21 Cross Street would be allowed. The Board insisted on decorum. He then opened the hearing to the public.

Mr. Daniel Mott addressed the Chair and Board members. He stated he is not an abutter or lawyer and was representing the abutters. (For complete oration go to www.nctv-nh.org). After reading aloud a statement from community member Ms. Bonnie Scanlon, Mr. Mott gave his opinion and those of unlisted abutters on the negative impact of a multi-unit dwelling on the 21 Cross Street site. Mr. David Schultz (abutter, 25 Sullivan Street) addressed the Chair and stated he would like to see a traffic study done.

Chairman Burnham addressed Mr. Mott and Mr. Schultz's concerns:

- The applicant had stated they were currently planning market rate apartments. The purview of the Planning Board and Town was that they meet all building code and safety requirements.
- When an applicant states quality apartments, the purview of the Planning Board and Town was that the applicant meets all building code and safety requirements.
- The applicant meets all (Town) requirements for parking.
- As far as universities buying it; they didn't buy it and it is out of the purview of the Planning Board
- Green space-the applicants meet the requirements of green space in Newport

As to the use of the road by the children in the area:

1. Children have always used that street as an area to play
2. Newport provides many options (other than the street) for children to play (Chairman Burnham listed them)
3. Any tax impact will not be known until the building is completed and occupied (it is illegal to discriminate against any resident due to race, color, religion, sex, national origin, disability or age)
4. A condition of the Board could be a stipulation of a sidewalk along the land on Cross Street that they own (for safety reasons) and to request that the Town revamp their sidewalk (on the right hand side) up to Sunapee Street.

Mr. Mott addressed Chairman Burnham and disagreed that they (Board) were following the RSA for green space, a traffic study and water (river). There was a brief discussion between Chairman Burnham and Mr. Mott concerning the RSA and bridge path into Town. Mr. DeCola explained his standpoint concerning the path into Town.

Chairman Burnham asked Mr. DeCola when the Planning Board would receive the completed site plans. Mr. DeCola estimated a week.

Mr. Merrow made a motion to approve *Case 2021-SDFP-007 with the following conditions:*

- 1) *Updated site plans to correct engineering*
- 2) *Addition on the plans of a sidewalk on the building side of the road from Sunapee Street toward Cross Street along the entirety of the applicant's property*

- 3) *A complete photometric study of exterior lighting and to ensure that all lighting has a sharp cutoff and is downcast*
- 4) *The addition of a dumpster enclosure*
- 5) *Consistent with Zoning Case #1118*

Mr. DeCola addressed the Board and stated the steep slope made it difficult to install a sidewalk up Cross Street. He would have to look at the site before he could agree to the condition. Mr. Merrow clarified it would be up Canal street for the entirety of the applicant's property (only).

The motion was seconded by Mr. Menard. *The motion passed 5-0-0.*

Ms. Donovan informed the Board that the Spring Street developer had not done the required traffic study yet. No permitting had been issued. The Board directed her to contact the developer.

NEW BUSINESS: none

MINUTES: none

ADMINISTRATION: none

COMMUNICATIONS:

Board: discussed the definitions of annexation/lot line and subdivision.

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

Mr. Douglas Campbell, White Mountain Properties, LLC; introduced himself to the Planning Board members. He was owner of the seventeen acre lot abutting the airport (Map 218 Lot 004). In discussion it was explained to some that it was directly across from property owned by Dean and Maura Stetson on Route 10 north.

With no more business in the public meeting, on a motion by Mr. Tellor, seconded by Mr. Glasscock; *the Board voted to adjourn at 7:50 p.m. The motion passed 5-0-0.*

Respectfully submitted,

Maura Stetson
Scribe

Approved: February XX, 2022

The next meeting of the Planning Board will be on February 15, 2022 at 6 pm in the Board of Selectmen's Room.