

TOWN OF NEWPORT, NH
Minutes of the Planning Board Meeting
May 17, 2022 – 6:00 P.M.
Board of Selectmen's Room
15 Sunapee Street
Regular Meeting and Public Hearing

MEMBERS PRESENT: David Burnham, Chairman; Ray Kibbey, Tobin Menard, Bert Spaulding, Sr., alternate

MEMBER(S) ABSENT: Ken Merrow, Vice Chairman; David Kibbey, alternate; Jim Burroughs., BOS Representative; Sean Glasscock

VIDEOGRAPHER: Alex Zander, John Lunn; NCTV

STAFF PRESENT: Christina Donovan, Planning and Zoning Administrator

COMMUNITY MEMBERS PRESENT: Ed Karr, Karen Arleo

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

AGENDA REVIEW: approved as presented

CONTINUED BUSINESS: none

NEW BUSINESS:

2022-SDFP-3: Roger and Terrena O'Connor (owner) Tom Dombroski (agent): Request a final review for a minor subdivision, property identified from Map 246 Lot 019 located at 367 South Main Street in the Single Family Residential (R-1) Zoning District.

Chairman Burnham opened Case #2022-SDFP-3.

He stated it met all zoning requirements.

On a motion by Mr. Kibbey, seconded by Mr. Spaulding, Sr. ***the Board accepted the application as complete. The motion passed 4-0-0.***

Mr. Dombroski addressed the Board and using a posted site plan explained what his applicant proposed.

He showed the Board the two lots to be created, the driveways (current). They were awaiting state septic approval for Lot One.

Mr. Spaulding, Sr. asked if the right of way would be blocked on the property to prohibit people from using it as a shortcut to Blood Road. Mr. O'Connor stated it would be blocked off and explained his tentative proposal.

Chairman Burnham opened the hearing to the public. There were no questions.

Mr. Kibbey made a motion ***to accept case 2022-SDFP-3 contingent upon state approval.*** It was seconded by Mr. Menard. Mr. Spaulding amended the motion to include state septic approval. The motion then read: ***to accept Case 2022-SDFP-3 contingent upon state septic system approval. The motion passed as amended 4-0-0.***

Chairman Burnham congratulated the applicant.

When asked, Ms. Donovan explained to the Board and applicant the procedure for the Board to sign the Mylar.

2022-SDFP-4/ 2022-Annex-5: Benjamin Barton (owner): Request a final review for a minor subdivision, properties identified from Map 234 Lot 076 and annexation Map 234 Lot 069 located at 525 John Stark Highway and Blood Road (respectively) in the Kellyville (K) Zoning District.

Chairman Burnham opened Case #2022-SDFP-4/Annex-5.

He stated it met all zoning requirements for driveways and does not create any nonconforming lots.

On a motion by Mr. Spaulding, Sr., seconded by Mr. Kibbey; ***the Board accepted the application as complete. The motion passed 4-0-0.***

Mr. Dombroski addressed the Board and using a posted site plan explained what his applicant proposed. He told the Board what was Town zoning approved and what items were needed for state subdivision approval. He did not have DES approval for lot 1.

Mr. Spaulding, Sr. stated it was nice planning. The DOT will be pleased with the second lot's entrance. There was a general discussion on subdivisions between Mr. Dombroski and Mr. Spaulding, Sr.

Chairman Burnham opened the hearing to the public.

Mr. Karr stated he was not against the case. He had a question concerning the plan. He asked Mr. Dombroski about the easement proposed, if it was for travel only, or travel and utilities (utilities would be necessary for the second lot). Mr. Dombroski stated there currently is a power line that goes to Mr. Ben Barton's home off of the road (not the easement). For clarification, Mr. Karr asked if the second parcel could use the easement for their power. Mr. Dombroski agreed with him.

Mr. Spaulding, Sr. addressed Mr. Dombroski and explained the different types of easements. Mr. Barton should check which type he had and what consents it gave.

Chairman Burnham addressed Mr. Dombroski and asked if he would prefer to wait for Planning Board approval or have a conditional approval. Mr. Dombroski stated he would like a conditional approval from the Board.

(Mr. Dombroski and Ms. Donovan both explained the need for subdivision approval first. Ms. Donovan explained the process for septic system approval by the state).

Mr. Spaulding, Sr. made a motion *for conditional approval of the minor subdivision contingent on:*

- 1) The Right of Way is state approved over the two lots*
- 2) State subdivision approval*

It was seconded by Mr. Kibbey. *The motion passed 4-0-0.*

Chairman Burnham congratulated Mr. Dombroski.

Minutes: April 12, 2022

April 12, 2022

On a motion by Mr. Spaulding, Sr., seconded by Mr. Menard; *the Board tabled the April 12, 2022 minutes to the June 14, 2022 Planning Board meeting. The motion passed 4-0-0.*

ADMINISTRATION:

Traffic Study-Avanru Development Group Spring Street Newport

Chairman Burnham read aloud the four page Memorandum Traffic Assessment concerning the Spring Street Development. Its conclusion was that the proposed development is not anticipated to add significant new traffic to the area.

Ms. Donovan addressed Chairman Burnham and stated she had informed all abutters concerning the traffic study (certified mail). Only Mrs. Karen Arleo was in attendance. Mr. Spaulding, Sr. asked if the traffic study was going to require a vote. He could not vote on it, the applicant's lawyer had requested he refrain from participating in the case. For clarification, Chairman Burnham was asked if it was an information only agenda item. Chairman Burnham stated yes. Mr. Karr asked if there would be discussion.

Ms. Donovan stated it wasn't only informational. If the Board felt that the development was going to create some issues, the Board might add additional measures to Avanru on top of what they already had to do onsite and offsite. If they believed it would have a negative impact they could potentially go in and increase anything to their infrastructure.

Chairman Burnham stated he was not going to override an engineer. Mr. Karr reminded the Board that the Avanru Company hired the engineer.

Mr. Spaulding, Sr. spoke as a citizen and expressed his concern of Spring Street coming out onto Route 103. He finds the intersection a hazard and he believed that as time goes on, it will continue. Chairman Burnham said the engineer's report was consistent with what the State of NH said, too. In discussion, Chairman Burnham said that

if there were accidents or near misses, they might have to (put in a light). Ms. Donovan stated that (being a state highway) she did not believe it would happen.

As a citizen, Mr. Spaulding, Sr. spoke to the traffic assessment. He stated it was predicated (based) on vegetation control. Vegetation control is done by the Town or the applicant. If the Planning Board approves the Traffic Assessment as is, the traffic study will be approved with no assignment of responsibility for vegetation control. Chairman Burnham stated that the applicant is only responsible for their property.

Mr. Spaulding, Sr. asked when the traffic numbers become a problem. Mr. Spaulding, Sr. addressed Ms. Donovan and asked what the most recent state numbers were. The numbers Planning Board had been given were seven years old. Mr. Spaulding, Sr. asked if there was an emergency to approve the Traffic Assessment without updated numbers. Ms. Donovan stated there was not an emergency.

Chairman Burnham opened the hearing to the public. Mr. Karr addressed Chairman Burnham and stated he had said he was going to accept it with no comment because, "it is typical of the way the state goes". Mr. Karr reminded Chairman Burnham that the Board did not work for the state; it worked for the Town of Newport.

Mr. Karr didn't feel Avanru addressed the concerns on the main roads (Route 103 and Elm Street) and its impact. Mr. Karr asked how long it took to compile the information for the assessment. He is aware of site work taking weeks in other locales. He never saw any activity for the traffic study. His question is whether the memorandum was done from a desk. Mr. Kibbey said it (study) was information, Chairman Burnham stated it was a memorandum there is no vote. Mr. Karr stated there was a criterion for a traffic study. He had expected to see them in the report. They weren't and it is of concern to the residents 'on the hill'.

Chairman Burnham again stated he would not go against an engineer for road studies. Mr. Karr expressed his concern and frustration. A Board member stated an opposite opinion and expressed his frustration with Mr. Karr's statements.

Ms. Donovan addressed Chairman Burnham and stated that the traffic study was to be submitted to the Planning Board and analyzed for a reason. The Planning Board could ask for additional mitigating factors with traffic if they believed it was necessary. Ms. Donovan stated that she could not issue a permit until the Planning Board voted that there was no additional work to be done (by the applicant/contractor). She informed the Board that the photometric study still needed to be presented to her (prior to any building permit).

Addressing the Board she stated she believed there needed to be some kind of vote that the traffic assessment is acceptable with mitigating factors that the Board will ask the contractor or the data is acceptable without the Planning Board asking the contractor to do any additional infrastructure. Ms. Donovan reminded the Board members that she had been instructed not to issue any building permits until the Planning Board was assured there wouldn't be a negative impact. She reiterated that that was her belief of the Boards directive to her.

Mr. Spaulding, Sr. reminded the Chairman that he could not vote on the traffic study. If the Board decided to vote they would have to wait to another meeting in order to have a quorum.

There was a brief discussion between Chairman Burnham and Ms. Donovan on the need for a vote. He asked if the applicant was waiting for the traffic study in order to begin their construction. Ms. Donovan stated no, they still had to submit a photometric study to the Planning Office which in turn needed to be presented to the Planning Board. The Planning Board also had to review their photometric study. If there was something negative on Avanru's photometric study they would have to revise their plan.

Mr. Menard stated for clarification, if it was continued to June 14, 2022; Ms. Donovan could present the Board members with updated traffic numbers.

Mr. Karr asked for permission to speak. Chairman Burnham acknowledged him. Mr. Karr asked if because the traffic study was being continued (for the Board), might they look at it themselves? Chairman Burnham repeated, someone had done a study and stated there wouldn't be a significant impact.

Mr. Kibbey asked how the study came about. Ms. Donovan stated the Planning Board required it (it is under their purview). Ms. Donovan said she personally thought (she was told she was incorrect) the Planning Board would pick the firm (to do the study). The Planning Board members agreed with Ms. Donovan. When asked, she stated she had been overruled by the Town Manager and Public Works Director even though the applicant would pay for the study. Mr. Kibbey said:

- 1) Planning Board requested the study
- 2) It came back with the Conclusion (on page 4): In conclusion, the proposed development is not anticipated to add significant new traffic to the area.

Mr. Spaulding, Sr. spoke as a citizen and stated that, "You don't have the fox protect the chicken coop". If the Planning Board said it, then the Planning Board should have hired the firm and the applicant should have paid the fee. That's in the regulations; it didn't happen that way.

Mr. Kibbey said he felt the Planning Board has done their due diligence. They requested the study, Avanru supplied it, and those are the results.

Chairman Burnham stated to negate the study, the Planning Board had to have opposing facts; otherwise the developer will have their attorney contacting the Town. Ms. Donovan agreed.

Mrs. Stetson, speaking in public, addressed Ms. Donovan and stated that a full traffic study was requested as one of the ten or eleven items that were conditional to the approval on Spring Street. Avanru had submitted a Memorandum. She referred to a different Planning Board case in which the applicant had presented a Memorandum for a traffic study. This traffic assessment was also named Memorandum in the header. In a brief discussion, Ms. Donovan stated that a Memorandum is a collection of traffic data, a full traffic study is more proactive (was more in depth).

Chairman Burnham moved on to the Master Plan.

Master Plan Review

The members of the Planning Board discussed the Master Plan. They reviewed the 2012 survey written in conjunction with the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC). Mr. Spaulding, Sr. stated that UVLSRPC had made things complicated. Redoing the Master Plan should not require a lot of work. The community survey had resulted in a 7% participation rate. The members began reviewing the survey that had been used, discussed the 20 original questions and began paring down the number to the questions they believed necessary in 2022. Board members took copies of the survey home to decide what questions they believe should be included. They would continue work on the Master Plan at the June 14, 2022 meeting.

Sign Beauchaine subdivision: Case 2022-ANNEX-003

The Planning Board members in attendance signed a copy of the site plan for the case file in the Planning and Zoning Office.

COMMUNICATIONS:

Board: none

Public: none

With no more business in the public meeting, on a motion by Mr. Menard, seconded by Mr. Kibbey; *the Board voted to adjourn at 7:56 p.m. The motion passed 4-0-0.*

Respectfully submitted,

Maura Stetson, Scribe

Approved: June XX, 2022

The next meeting of the Planning Board will be on June 14, 2022 at 6 pm in the Board of Selectmen's Room.