

DRAFT

TOWN OF NEWPORT

Minutes of the Newport Planning Board

15 Sunapee Street, Newport, NH 03773

July 14, 2015 - 6:00 P.M.

Regular Meeting and Public Hearing

MEMBERS PRESENT: Howard Dunn, Chairman; David Burnham, Vice Chairman; Ken Merrow, Christina O'Brien, Bill Walsh, Gary Nichols, BOS Representative

MEMBERS ABSENT: Jeff North

INDIVIDUALS PRESENT: James Neefe, Roger Disnard, RA. NCARB; Kevin Thatcher, P.E.; Richard Dilalla, New London Medical Group; Leslie Hutchins, CHCM Newport Health Center; David Doyle, Dartmouth Hitchcock Medical Center; Richard G. Lannan, Lannan Company; Harry A. Dumont, Jr., Lannan Company; Bert Spaulding, Sr.; David Kibbey.

VIDEOGRAPHER: NCTV; Louis Cassorla

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

CALL TO ORDER: Mr. Dunn called the meeting to order at 6:01 p.m. followed by a roll call.

ELECTION OF OFFICERS: Mr. Dunn asked for a motion for Chair and Vice Chair. On a motion by Mr. Merrow, seconded by Mrs. O'Brien; ***the Board appointed Mr. Howard Dunn Chairman of the Planning Board and Mr. David Burnham Vice Chairman of the Planning Board for FY 2015-16. The motion passed 6-0-0.***

Chairman Dunn continued conducting the meeting.

AGENDA REVIEW: accepted as presented.

MINUTES:

May 26, 2015. On a motion by Mr. Burnham, seconded by Mr. Nichols; ***the Board approved the minutes of the May 26, 2015 meeting. The motion passed 6-0-0.***

June 9, 2015. On a motion by Mr. Burnham, seconded by Mr. Nichols; ***the Board approved the minutes of the June 9, 2015 meeting. The motion passed 5-0-1(O'Brien abstained).***

June 23, 2015. On a motion by Mr. Burnham, seconded by Mr. Nichols; ***the Board approved the minutes of the June 23, 2015 meeting. The motion passed 6-0-0.***

CONTINUED BUSINESS:

2015-SPFP-001: New London Hospital Assoc., LLC (Owners) and Kevin Thatcher, P.E. (Agent):

The applicants propose to construct a new, 2-story health clinic and demolish an existing health clinic and bowling alley structures. The property is identified as Map 114 Lot 129-001 and is located at 11 John Stark Highway in the Heavy Commercial (B-2) Zoning District.

Chairman Dunn opened the public hearing. Ms. Magnuson addressed Chairman Dunn and stated that the applicant was requesting a waiver for the greenspace requirement. She then addressed the Planning Board and read her Administrative Review. Ms. Magnuson directed the Board's attention to the letter from Mr. Peter Blakeman, PE which commented on (Mr. Thatcher's) memo information sent to her office concerning changes to the health center site plan(s). She stated that the Board might want to take time and read his comments (highlighted). Mr. Blakeman had stated those (highlighted) items might continue to be outstanding items (in the case). Explaining further, Ms. Magnuson explained to the Planning Board that for Case 2015-SPFP-001 Mr. Blakeman was working for the Town of Newport (i.e. Planning Board). Ms. Magnuson reviewed the six areas of concern she had. She told the Planning Board that if the waiver was granted, the application would appear to be complete. Ms. Magnuson then told the Board that if the application was approved, it would definitely need to be conditional on many items among them:

- 1· DOT's approval of the new location for egress/ingress
- 2· Outstanding easements and maintenance agreements between the DOT and the owners
- 3· An existing sidewalk maintenance agreement (between Town and owners)
- 4· Historic lamps along the road
- 5· Use of non-floating decorative ground cover

Ms. Magnuson stated that the Conservation Commission supported the project (she read comments from their minutes) and she reiterated for the Chair that the applicants were requesting a waiver for the greenspace requirement.

Continuing, Ms. Magnuson said there was no indication on the site plans of the construction being in the 100 year flood plain, there was not a single site plan with a proper signature block, it was a combination of the nine plan packet.

There was a short discussion concerning the 100 year flood plain and inclusion on the site plan. Chairman Dunn then stated for clarification the procedural order of the meeting. Ms. Magnuson concurred.

Chairman Dunn asked for the spokesperson for the case. He acknowledged Mr. Kevin Thatcher, PE (Clough Harbour & Associates, LLP) who would present to the Planning Board.

Mr. Thatcher addressed the Board, introduced the other members of the team and explained the process their clients had gone through to get permission and support from various Newport Boards and state agencies for their project.

Chairman Dunn asked Mr. Thatcher if his presentation would address comments/concerns in Mr. Blakeman's letter. He was told some would be addressed.

Mr. Thatcher addressed the Planning Board and stated that one concern had been drainage. He explained how CHA had used USDS topography maps to locate a large drainage area for the existing driveway culvert. They proposed a two foot high by eight foot wide box culvert instead of the current twenty-four inch culvert (a significant upgrade). Using one site plan (see complete packet in TOPAZ file) Mr.

Thatcher explained the locations of the new culverts to the Board. Continuing, he explained the ditch work to be done and the DES permit request they would file.

Mr. Thatcher indicated the change in a proposed driveway location after discussion with the abutters. He explained. He also indicated the new layout for storm drainage and green space due to the adjustment on the site.

Mr. Thatcher said the parking provided followed requirements by the zoning ordinance for office use (ninety six spaces). The applicant would provide one hundred and one (101) parking spaces on the Health Center lot. He told the Board members the current number and said its maximum observed usage was only three fourths ($\frac{3}{4}$). His company and applicant felt the number of spaces to be provided would be more than sufficient.

Mr. Thatcher addressed the floodplain concern. Indicating the site grading plan, Mr. Thatcher showed the floodplain elevation, water flow and the differences in map illustrations (FEMA vs USGS). He gave a detailed explanation, stated that floodplain construction would be limited to the ditch work and assured them the new information would be noted on the new site plans submitted to the TOPAZ office.

Mr. Thatcher showed the new driveway location on the site plan to the Board. He explained the improvement to the service entrance and the maintaining of a gravel surface on the site.

He concluded, stating he had outlined the major changes that had been made and that he would answer any questions the Planning Board members had on the applicant's proposal.

Chairman Dunn stated that procedurally, he wanted to address the applicants request for a waiver to reduce the amount of greenspace from the site plan regulation provision from 35% to 26.8%. Chairman Dunn asked if there were questions from the Board members. There being none, on a motion by Mr. Nichols, seconded by Mr. Burnham; ***the Board voted to grant the waiver for reduced greenspace. The motion passed 6-0-0.***

Mr. Nichols addressed the Chair and stated for the public that the applicants were increasing the amount of greenspace from 7.3% to 26.8%, in essence increasing the amount of greenspace on the lot. The Chair thanked Mr. Nichols.

On a motion by Mr. Nichols, seconded by Mr. Burnham; ***the Board voted to accept the application as complete. The motion passed 6-0-0.***

Chairman Dunn asked if there were questions from the Board.

Mr. Nichols addressed the applicant and stated that he would start with the highlighted items in Mr. Blakeman's letter.

Were easements granted during the 2012 subdivision for water or other utilities providing service to other businesses (the Newport Shopping Plaza) on Lot 114-129 that cross over Lot 114-129.001?

Using a site plan, Mr. Thatcher showed where water and sewer services came onto the site. He stated it would continue to be the area where water and sewer services came for the Shopping Plaza. The subject was part of an ongoing discussion between his client, legal counsel and the new property owners of the Plaza.

One of the new designated snow storage areas is shown along the Elm Street drainage ditch. A June 1, 2015 Memo from William Scanlon, Highway Superintendent, specified no snow shall be pushed into this drainage ditch. There is only a strip of 8-9 feet before snow will go down into the

drainage ditch. Another area is along the property line between Lots 114-129 and 114-129.001. The property line in this area is along the existing structure on 114-129. The Board may want to specify a setback distance along the line here to prevent snow from being piled up against this structure.

Snow removal is an issue. The Board may want to consider a condition of approval regarding how soon after storms that snow needs to be trucked off-site when it overwhelms the limited area available.

Mr. Thatcher addressed Mr. Nichols and stated that the Town did not want any snow pushed down into the ditch. The new plans the Health Center had a low retaining wall between the parking lot and the bottom of the ditch to prevent the snow from being pushed into the ditch. The retaining wall would have a guard rail as well for protection. He explained.

Mr. Burnham asked for the plan for removing snow; did the applicant have a schedule to enact if snow became a certain height. Mr. Thatcher explained the designated areas the Health Center had for snow storage. He stated that if the areas filled up, the Center would have to remove the snow.

Chairman Dunn addressed the Board members and stated that Mr. Blakeman had asked if the Planning Board wanted to make a condition on setback issues and timing of snow removal. There was a lengthy discussion between the Board and Mr. Thatcher. Mr. Thatcher explained there was a proposed retaining wall that was three to five feet. Chairman Dunn asked Mr. Thatcher to clarify the height; three or five. Mr. Thatcher stated it was three to five feet (graduated). Chairman Dunn thanked him.

Mr. Walsh addressed Mr. Thatcher and asked if three to five feet was the total height of the (retaining) wall regardless of the ground on either side. Mr. Thatcher explained. Mr. Walsh stated that the code requirements for guardrails change at the four foot height. Mr. Walsh indicated the illustrated wood guard on a site plan and stated it was typical for vehicles. He explained that with a retaining wall four feet or greater the applicant would have to take into consideration young pedestrian traffic as well. He referred Mr. Thatcher to the Newport building inspector. There was discussion. Chairman Dunn clarified that nothing would be done before approval and a building permit. Mr. Thatcher concurred.

Ms. Magnuson addressed Mr. Walsh and asked if a retaining wall higher than four feet needed to be engineered. Mr. Walsh stated that was true. He also stated there was specific wording concerning guard rails. There was discussion among the Planning Board, Ms. Magnuson and Mr. Thatcher. Mr. Walsh specified that a guard (of any kind) on top of a retaining wall took into consideration the safety of persons walking. Mr. Thatcher stated the company and applicant had identified a need for the wall. He explained, stating it would have to pass the state building code. Mr. Walsh reiterated the need for a state building code approved guard. Mr. Thatcher concurred.

The applicant has just restated that parking meets the "office" standard. Parking requirements for this use may have already been discussed with the Board, but if not it is an issue that the Board should be aware of.

Ms. Magnuson addressed the Chair and stated she had been in contact with the applicants on parking. She stated she knew the calculations they used to obtain the number of parking spaces needed. She was very satisfied. Ms. Magnuson stated that the applicants would want adequate parking for their customers/patients. There was a short conversation between Mrs. O'Brien and Mr. Thatcher. Mr. Thatcher gave the number of additional parking spaces provided.

The plans continue to show proposed side slopes of the drainage ditch extending right up to the edge of the pavement. I did not find any reference on the plans specifying a constant shoulder width along Elm Street nor any comments that this has been discussed with the Highway Superintendent, regarding either the shoulder or the need for guardrail.

Chairman Dunn asked Mr. Thatcher to comment. Mr. Thatcher stated that the ditch would be recontoured. The side slopes would be less severe than are presently. He described the improvements they would make. Chairman Dunn asked Mr. Thatcher to show the location of the ditch on the site plan and what the ditch was currently made of. Mr. Thatcher explained the degraded state of the ditch and explained their proposal to improve it.

Mr. Merrow asked if the highway department had a standard profile sketch which the applicant could use. Ms. Magnuson said she thought they did. Mr. Merrow asked if it could be given to the applicant. Ms. Magnuson stated they could ask for one. Ms. Magnuson then asked if that was an item to be addressed on the revised site plan. Mr. Thatcher stated that they could add information specific to the drainage ditch.

Chairman Dunn asked what material to be used was determined. He asked what would be used in the proposed refurbishing of the ditch. Mr. Thatcher listed the different types of material, where they would be placed and why. The Chair, for clarification, asked if the information was on the site plan. He was told yes.

Plans still refer to the proposed sewer force main being SDR-21 PVC. Water & Sewer Superintendent Robert Naylor specifically required SDR-9 200 psi polyethylene in his June 1, 2015 Memo.

Mr. Kevin Thatcher stated that they had no issue with the request.

One additional issue that recently came to light is that the plans do not show the FEMA flood zone (100-yr flood line). A paragraph in the Stormwater Management Report notes "The entire project is located adjacent to flood prone areas..." and further mentions that there will be no negative fill impact ... as proposed grades generally match or are lower than existing grades". The flood zone does have an elevation attached to it (elevation 788). The flood zone as shown on the FEMA maps comes well into the property. The owners can have a LOMA prepared and submitted to FEMA if the elevation of 788 does not correspond to the FEMA line.

Furthermore, even if the flood zone is moved to follow "788" the northeast corner of the proposed structure will fall within the flood zone. Local and Federal requirements relative to the Flood Zone need to be addressed.

Mr. Thatcher addressed the Planning Board and stated they would be adding a more complete line on the site plan for reference. They would not be building in the 100 year flood line elevation based on their map elevation. The Chair acknowledged Ms. Magnuson. She asked Mr. Thatcher if they had elevation certificates for their post development. She asked if they would be required. Mr. Thatcher stated they would not be required if they were building outside the flood plain. Ms. Magnuson explained her questioning. Mr. Thatcher responded that he had spoken to the topic earlier because he had compared the level of accuracy between the FEMA (topography) maps and the ones the firm uses. Ms. Magnuson stated for the Planning Board and the applicants that Newport participated in the National Flood Insurance Program. The Town wanted to keep their standing in the program. Mr. Thatcher understood and stated it would be properly noted on the site plan. There were short questions by the Board on floodplains and setbacks. Mr. Thatcher stated that if there was concern, the construction of the building would be four feet plus above the flood line. The Chairman addressed Mr. Thatcher and stated that he expected the notation would be a condition. Mr. Thatcher agreed.

Ms. Magnuson addressed the Chairman and stated the Newport Fire Chief had some comments that she had not given. They had included installing a Knox Box. Chairman Dunn had the complete list.

The Newport Police Chief had requested not using bark mulch because it clogged the street drains. Mr. Thatcher stated that they would be willing to change to other decorative non-floating ground cover (river rock, etc.).

Mr. Nichols asked where the three historic decorative lamps were proposed on the site plan. There was a short discussion among the Board members. Mr. Thatcher indicated them on the site plan. Ms. Magnuson stated for clarification that the proposed lamps were green in color and they were specified as the correct (historic) lamp on the plan set.

Chairman Dunn looked at the plan and asked if there should be a fourth lamp. Ms. Magnuson asked Mr. Thatcher to show another elevation plan to show the location of the three lamps. Chairman Dunn stated there wasn't a lamp near an exit. Mr. Thatcher explained there were lamps within the parking lot that illuminated the entrance and exits. There was a discussion among the Board on the lighting. Mr. Burnham pointed out the downcast lighting in the parking lot. Both Mr. Burnham and Mr. Thatcher explained the differences in lighting, both decorative and functional. There was a short dialogue between Mr. Thatcher and the Chair; Mr. Thatcher explaining the decorative lamps had been added at the request of the Town. The Board discussed the spacing of the decorative lamps. It was their consensus that the lamps should remain spaced as was noted on the site plan.

Ms. Magnuson stated that all lighting on the building should be downcast as well. Mr. Thatcher agreed. It had been discussed at a previous meeting.

Chairman Dunn went over the complete list of requests from the Newport Fire Chief.

- Have a fire department hook up with a municipal fire alarm and fire alarm panel area.
- Install a Knox box (for keys).

Mr. Disnard stated that the Knox box was a building plan question. It is not currently on the plan, but the Health Center would definitely have a Knox box.

- Sprinkler system in the Bowling Alley.

There was a discussion on the item; the bowling alley would be razed. Chairman Dunn was told the note might refer to the sprinkler system being reconnected/reactivated to the Newport Plaza complex. The plans were that the bowling alley would be razed, and then the Plaza would be reconnected. The Chair thanked them for the clarification.

Chairman Dunn acknowledged Ms. Magnuson. Ms. Magnuson stated the Planning Board should discuss the removal of the bowling alley and what the end of the Newport Shopping Plaza would look like. Continuing, she asked if there was a tentative construction schedule (demolition and construction).

Mr. David Doyle stated that they had gone out to bid for the demolition and asbestos removal. He explained the process of permission and permits, beginning with the accepting of the application by the Planning Board. He stated their tentative dates were to begin the physical work the beginning of September.

There being no questions from the Board, Chairman Dunn opened the meeting to the public. Mr. Richard G. Lannan, President of The Lannan Company, introduced himself to the Planning Board. He stated that his company was the new owner of the Newport Shopping Plaza. He explained that the project before the Board (07.14.15) had begun before they had purchased the (Plaza) property. Mr. Lannan had conversed through email with the applicants. The applicants had made minor changes which they (the Lannan Company) had concerns about. CHA had accommodated Mr. Lannan's concerns about the entrance, the island and parking spaces. Mr. Lannan thought the new building would be a huge difference and would

be a plus for both properties when complete. Mr. Lannan gave his support of the project and stated he hoped the Planning Board approved the project.

Mr. Merrow addressed the Chair and asked about the shared property entrance to the proposed Health Center. He asked Ms. Magnuson if anything had to be written into the approval about sharing lots.

Ms. Magnuson stated that all the easements and agreements between the two property owners needed to be addressed. She was told that as part of the subdivision, the two property owners created a cross circulation easement agreement as a part of the original subdivision agreement. They could give Ms. Magnuson a copy of it. Ms. Magnuson thanked him, stating her office should have a copy.

There was discussion among the Board, applicant and abutter concerning the easements and agreements.

Chairman Dunn asked about an agreement regarding the use of the service entrance. He was told that was where the utility services, water and sewer, exited and egressed. It was addressed in the cross circulation and utilities easement. Chairman Dunn then asked if the service access on Elm Street was a public access. He was told yes, for both of the properties. Also, all driveways and all exits and entrances were usable by both properties. Chairman Dunn asked for clarification if Newport Health Center would be responsible for their snow removal and maintenance. The applicant concurred, stating they had signed an agreement stating that the Health Center would be responsible for snow removal of the properties that straddle both properties. He explained.

The Chair acknowledged Ms. Magnuson. Ms. Magnuson asked how the egress and exit would be marked, i.e. lines painted on the pavement, signs stating enter and exit, or other. She gave an example of an application (with egress/exit plan) that had been approved by the Planning Board that was now being abused. She asked how theirs would be maintained. Ms. Magnuson was told painted arrows. Ms. Magnuson stated it was not a Town issue, it was the applicants. She didn't want it to become an issue for them. She explained. There was a short discussion. Ms. Magnuson said that DOT would approve the driveway permit and the sloped crosswalk (ADA). There was further discussion on placement of crosswalks.

There being no further questions or comments, Chairman Dunn asked the pleasure of the Board. A motion was made by Mr. Burnham for the Board to approve the application with the following contingencies:

1. DOT approval for entrances
2. Note on revised site plan referencing subdivision plan
3. Use of non-floating decorative ground cover
4. 100 year flood plain delineated on site plan
5. Sewer force main is required to be SDR-9 200 psi polyethylene pipe
6. Cross section of drainage ditch and retaining wall elevations and show any revisions needed to the guard rail

There was a short discussion. Mr. Merrow added the following contingencies:

1. Granting of wetlands permits and all other federal, state and local permits as needed
2. Copy of cross circulation easement agreement received by the TOPAZ office

Mr. Nichols requested the addition of:

Installation of a Knox box (for the fire department)

The recording secretary was asked to read all the contingencies. Ms. Magnuson read all nine to the Board for approval.

On a motion by Mr. Burnham, seconded by Mr. Nichols; ***the Board voted to approve the site plan as presented with the following contingencies:***

1. *DOT approval for entrances*
2. *Note on revised site plan referencing subdivision plan*
3. *Use of non-floating decorative ground cover*
4. *100 year flood plain delineated on site plan*
5. *Sewer force main is required to be SDR-9 200 psi polyethylene pipe*
6. *Cross section of drainage ditch and retaining wall elevations and show any revisions needed to the guard rail*
7. *Granting of wetlands permits and all other federal, state and local permits as required*
8. *Copy of cross circulation easement agreement received by TOPAZ office*
9. *Installation of a Knox box*

The motion passed 6-0-0.

Ms. Magnuson addressed Chairman Dunn and stated she would like to request three sets of site plans. One the owner receives, the second the tax department gets and the third was kept in the TOPAZ office. She asked that a proper Town of Newport signature block be put on the revised site plan with Town of Newport and Newport Health Center on the signature block (Mr. Thatcher asked to take a picture of an appropriate signature block on his smartphone). Ms. Magnuson indicated an appropriate signature block for his use.

Ms. Magnuson stated it needed to be noted for the record that the whole packet of site plans was part of the record.

Chairman Dunn appointed Mrs. O'Brien and Mr. Burnham to sign the site plans.

There being no further business, on a motion by Mr. Burnham, seconded by Mr. Nichols; *the Board voted unanimously to adjourn at 7:06 pm.*

Respectfully submitted,

Maura Stetson
Recording secretary

Application materials must be received on/before July 15, 2015 for the next regular meeting of the Planning Board scheduled on August 11, 2015.