

TOWN OF NEWPORT
Minutes of the Newport Planning Board
15 Sunapee Street, Newport, NH 03773
October 13, 2015 – 6:00 P.M.
Regular Meeting and Public Hearing

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

MEMBERS ABSENT: Jeff North, Ken Merrow, Erna McCormick, alternate; David Kibbey, alternate

INDIVIDUALS PRESENT: Gene Dinsmore, Thomas C. Dombroski

VIDEOGRAPHER: NCTV; Louis Cassorla

STAFF PRESENT: Julie M. Magnuson, Planning and Zoning Administrator; Shane P. O'Keefe, Newport Town Manager

Chairman Dunn conferred with Ms. Magnuson concerning the new procedure the Planning Board would follow hearing applications.

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

AGENDA REVIEW: add under Administration introduction of Town Manager Shane P. O'Keefe (Mr. Nichols). Chairman Dunn noted the addition.

MINUTES: September 8, 2015. On a motion by Mr. Nichols, seconded by Mr. Burnham; *the Board approved the minutes of the September 8, 2015 meeting as presented. The motion passed 5-0-0.*

ADMINISTRATION: Ms. Magnuson addressed the Planning Board and introduced Town Manager Shane P. O'Keefe. Mr. O'Keefe introduced himself to the Planning Board and gave them a brief synopsis of his previous positions. He told the Board that he had considerable experience in the planning field and understood the responsibilities of Planning Boards. Addressing the Board, he stated that they were fortunate to have Ms. Magnuson as administrator of Planning and Zoning. Chairman Dunn addressed the Board members and asked if they had questions or comments. Mr. Nichols, as BOS Representative, stated that one item that had impressed the BOS when reviewing Mr. O'Keefe's qualifications was his extensive experience in the zoning field. He stated Town Manager O'Keefe's background was stellar. O'Keefe gave a brief list of positions and places he had worked, as well as certifications he continued to hold pertaining to planning and zoning. The Board welcomed him to Newport and thanked him for attending the meeting.

CONTINUED BUSINESS: None

NEW BUSINESS:

Chairman Dunn told the sitting Board members that the first order of business would be to determine if the application for 2015-SDFP-003 was complete. If it was voted complete the Planning Board would then go into a Public Hearing for the rest of the case.

Chairman Dunn informed the Board that the first order of business would be to determine if the application for 2015-SDFP-003 was complete. He read into the record, "On September 11, 2015 the Office of Planning and Zoning received an application from Gene and Jean Dinsmore requesting final review of a 2-Lot Subdivision. The purpose of the subdivision is to divide an existing home and motel from one another."

Addressing the Board members he stated that from the information provided by the Planning and Zoning Administrator all the elements of the final plat checklist appeared to be met. Staff recommended that the application be deemed complete.

Chairman Dunn asked for a motion to the completeness of the application.

On a motion by Mr. Nichols, seconded by Mr. Walsh; ***the Planning Board voted that the application be accepted as complete. The motion passed 5-0-0.***

Chairman Dunn opened the Public Hearing on the following application:

2015-SDFP-003: Gene & Jean Dinsmore (Owners), request final review of a 2-Lot Subdivision. The current parcel is 1.197 Acres and the proposed lots will be 0.706 Acres and 0.491 Acres. The purpose of the subdivision is to divide an existing home and motel from one another. The property is identified as Map 116 Lot 077 and is located at 40 Spring Street in the Heavy Commercial (B-2) Zoning District.

Chairman Dunn acknowledged Mr. Gene Dinsmore. He stated that Ms. Magnuson would give her Administrative Review and then he would be able to address the Planning Board.

He then acknowledged Ms. Magnuson. Ms. Magnuson read her Administrative Review into the record. She explained that all departments had been solicited for comments. Mr. Bob Naylor, Superintendent of Water and Sewer gave comments on the maintenance and responsibilities of the Town and the applicant. Mr. Clayton Plat (surveyor) had contacted Ms. Magnuson before completing the mylar for the subdivision. Ms. Magnuson had relayed Mr. Naylor's comments to him and they had been added to the completed mylar under comment #5. Ms. Magnuson read the comment aloud for the Planning Board and public.

Chairman Dunn addressed the Board and asked if they were satisfied with the plan they had (in their packets).

Chairman Dunn addressed Mr. Dinsmore and asked him to present his information to the Board. Mr. Dinsmore addressed the Chair and Board and explained that he and his wife were requesting a subdivision of the property in order to separate their home and business (Hilltop Motel). The separation would allow the Dinsmores to have separate utility, tax and other bills; defining private and business expenses more efficiently.

Chairman Dunn addressed the Board and asked if there were any questions.

Mr. Nichols asked if the Dinsmores would be making a separate driveway. Mr. Dinsmore said no. Mr. Nichols asked if all utilities would be separate after the subdivision. Mr. Dinsmore said yes. Mr. Nichols asked if the Dinsmores would be installing a separate tank for the motel. Mr. Dinsmore stated a separate one would be installed. He added that the motel would use propane after the subdivision.

Mr. Burnham asked if the motel met the parking requirement. Mr. Dinsmore stated yes. Ms. Magnuson said the parking had been reviewed.

Chairman Dunn asked Ms. Magnuson if the setbacks were conforming. Ms. Magnuson stated the front setback was conforming; there was no side setback requirement (on the road being addressed).

Mrs. O'Brien asked if the lot size was conforming and whether the greenspace requirement was being met. Ms. Magnuson stated yes to both questions.

Chairman Dunn asked if all departments had reviewed the application. Ms. Magnuson stated all the departments and the Conservation Commission had reviewed the application. They were all in favor of it.

Mr. Burnham asked if there needed to be a maintenance agreement between the two lots. There was a general discussion among the Board on the need for an agreement. Ms. Magnuson stated there didn't need to be an agreement.

There was a short conversation on the swimming pool being part of the private section of the subdivision.

Chairman Dunn addressed the Board members and asked if they had further questions. There were none. There were no questions from the public.

On a motion by Mr. Nichols, seconded by Mr. Burnham; ***the Board approved the subdivision as presented. The motion passed 5-0-0.***

The Planning Board members signed the mylar and Chairman Dunn signed the Notice of Decision. The Board congratulated Mr. Dinsmore.

Ms. Magnuson addressed Mr. Dinsmore and explained the next step in the recordation process.

Case 2015-SDFP-004. Chairman Dunn addressed the Board and public and stated that for full disclosure, he had represented the applicant concerning the next subdivision Case. He stated that if there were no objections he would continue sitting on the Board for the Case. There were no objections.

Chairman Dunn stated that, "On September 15, 2015 the Office of Planning and Zoning received an application from David T. and Judith E. Rzucidlo (owners) and Thomas C. Dombroski, Land Surveyor, (Agent): request final review of a 2-Lot Subdivision. The applicants propose to have Lot 1 with buildings thereon 0.86 Acre on the corner of Pine & Union Streets. Lot 2 is vacant and is proposed to be 5.02 Acres on Pine Street. The application materials have been distributed to the Board and a proposed building site was not indicated on Lot 2; no information regarding water service or well for Lot 2 was submitted."

Chairman Dunn asked Ms. Magnuson if she was satisfied with the application being complete. She stated no. The two items on the checklist that were not clarified were: 1. That the proposed building site be located on the plan, 2. The TOPAZ office also required that there be water service or a well. Ms. Magnuson told the Chairman that if those two items were completed than the application would be complete and the Board could move on to the Public Hearing. Chairman Dunn addressed the Board and stated that the staff stated the application was not complete. Addressing Ms. Magnuson, he asked if she wanted the Planning Board to take a vote on the completeness.

Ms. Magnuson stated that if the Planning Board could be satisfied by the representative (agent) that the two issues were settled, then the Board could deem it complete. There was discussion between the Chair and Ms. Magnuson as to the appropriateness of this action. Ms. Magnuson stated that the meeting was public not non-public and that it would be appropriate for the Board, if they chose. There was a discussion

among Board members as to the correct procedure. Mr. Nichols expressed the different courses of action: they could have the agent speak to the two concerns or the Board could close the meeting and hear the case next month. If the Board members asked specific questions and received suitable answers to the two issues, the Board could vote on the application's completeness.

Chairman Dunn addressed Mr. Tom Dombroski and asked if he would speak to the issues. Mr. Dombroski stated that he could speak to the subjects. They would have been clarified before the meeting but he did not have all necessary information for the Planning and Zoning Office when the application was delivered. He liked to present all information to them all at the same time. Mr. Dombroski stated that he had received the state approval at 4 PM and had not had a chance to put it on the surveyed plans. Addressing the Chair, he thought that the Board might give conditional approval and put it (conditional approval) on the mylar.

Ms. Magnuson addressed the Chairman and stated that that was not the issue. The state subdivision approval was not part of the application being complete. That was a separate issue.

Mr. Dombroski stated that he did not have the state subdivision number. He wanted to make all the changes at once.

Chairman Dunn stated they were presented with a technical issue. He asked for comments. Mr. Burnham stated that the applicant had five acres to put a well in, five acres to put a septic system in (and he already had the state approval). Continuing, Mr. Burnham stated there was room for a house lot. He did not have a problem with the application.

Mr. Walsh asked if the state subdivision required that location of wells and a building be shown in a plan. Ms. Magnuson stated she believed it did, but that the state subdivision had nothing to do with the completeness of the application. She reiterated for the Board that they were separate issues. There was a short discussion on the topic with Mr. Walsh.

Mr. Dombroski addressed the Chair and asked to speak. He explained that state subdivision approval was only for a small house lot. The size was less than five acres. The state did not require subdivision approval for a five acre lot. Chairman Dunn stated that he was not getting approval for the 5 acre lot. There was a short discussion on the omitted checklist items.

Chairman Dunn addressed Mr. Dombroski and stated that the two items (1. a proposed building site indicated on the plans and 2. information regarding water service/well for Lot 2) were required by the Planning Board. Chairman Dunn asked if he could present to the Planning Board a resolution to the two issues. Mr. Dombroski stated he could.

Using a posted plan, Mr. Dombroski indicated where a proposed building and well site with driveway could be located on the lot.

Chairman Dunn addressed Mr. Dombroski and asked if he was making a representation to the Board that the final plan, if it was submitted and approved at the October 13, 2015 meeting, would show a building site located as he had depicted on the plan as well as the well location? Mr. Dombroski said yes.

Chairman Dunn, for clarification, asked if he would (in the future) move the well location. Mr. Dombroski stated no, explaining that the well location was better uphill.

Ms. Magnuson was acknowledged. She stated that there was Town water service on the proposed road, although she did not know how far it went. Mr. Dombroski indicated on the posted plan the end of the Town water service main. Continuing, he stated that the existing house was on Town water.

Addressing Ms. Magnuson, Chairman Dunn asked if the applicant was required to hook up to the Town water and sewer if it is available on the street. There was a short discussion among Board members and Mr. Dombroski on requirements of hooking to the Town water and sewer.

Indicating the empty lot, Mr. Burnham asked if the Planning Board had to consider it a building lot and not a woodlot. Ms. Magnuson explained that any lot the Newport Planning Board approved could potentially become a building lot. Therefore it had to meet the standards of a building lot. She listed the requirements for the Board. There was a short discussion on the requirements, including frontage requirements and lot size.

Chairman Dunn called for a motion. Mr. Nichols made a motion, seconded by Mr. Walsh that; ***the Board vote to accept the application as complete using the representations that were presented at the October 13, 2015 meeting using the location of the well and building site and submittal of the subdivision regulations per the State of NH.***

Chairman Dunn acknowledged Ms. Magnuson. She stated that the Planning Board wanted to be sure (she reminded them of the other subdivision that the Board had heard) of their decision. She stated that as far as the completeness of the application, state subdivision approval could not be a condition of completeness of application. Continuing, she explained that later in the hearing it could be a condition of the approval. After the Chair opened the Public Hearing the Board could discuss state subdivision.

Mr. Walsh concurred with Ms. Magnuson and withdrew his second. Mr. Nichols stated he would remove that part (state subdivision) of his motion.

The recording secretary was asked if she had the motion in the minutes. After an explanation of the change by Mr. Nichols, the recording secretary asked Mr. Nichols to repeat his complete motion.

On a motion by Mr. Nichols, seconded by Mr. Walsh; ***the Board voted to accept the application as complete, with the notations that were submitted by Mr. Dombroski October 13, 2015 on the map that was presented for building site and well location. The motion passed 4-0-1 (Dunn abstained).***

Chairman Dunn stated he was opening the Public Hearing on the following application: **2015-SDFP-004: David T. & Judith E. Rzucidlo (Owners) and Thomas C. Dombroski, Land Surveyor, (Agent):** request final review of a 2-Lot Subdivision. The applicants propose to have Lot 1 with buildings thereon 0.86 Acre on the corner of Pine & Union Streets. Lot 2 is vacant and is proposed to be 5.02 Acres on Pine Street.

Chairman Dunn addressed Mr. Dombroski about lot information from the State. Mr. Dombroski explained he was also a septic designer and explained how he sent information to DES. Ms. Magnuson stated it was a Newport subdivision requirement that the lot have a statement or plan from a septic designer. Chairman Dunn asked if it was for any lot, such as a woodlot. Ms. Magnuson told him yes and said for every lot. Chairman Dunn continued his questioning of the septic design requirement. Ms. Magnuson explained that the lot was required to be suitable for a septic system. Chairman Dunn thanked Ms. Magnuson and stated he understood.

Chairman Dunn asked if there were questions or comments from the Board. Mr. Nichols asked if Mr. Dombroski had anything to say. Mr. Dombroski stated that he had the state subdivision approval, it had been emailed approximately 4 pm on October 13, 2015. He had no problems noting it on the mylar.

Mr. Dombroski asked to address the Board. He stated that the parcel used to be two pieces of land. Years ago it had been merged (by the Town) without notification. The applicants were therefore subdividing the land into two lots. Chairman Dunn acknowledged Mr. O'Keefe. Referring to the plan, he stated that Lot 1 was a preexisting and non-conforming lot. He asked if it was non-conforming due to the setback. Mr. Dombroski agreed and explained the non-conformity.

Chairman Dunn asked if there were further questions or comments. There were none. On a motion by Mr. Nichols, seconded by Mrs. O'Brien; ***the Board voted to approve the subdivision subject to noting both the state subdivision approval and a statement by a NH professional septic designer that the site is suitable for subservice disposable systems for Lot 2 as well as a proposed building site and well site. The motion passed 4-0-1 (Dunn abstained).***

Mrs. O'Brien and Mr. Burnham were appointed to sign the Mylar.

On a motion by Mr. Nichols, seconded by Mr. Burnham; ***the Board voted to adjourn at 6:38 pm. The motion passed 5-0-1.***

Application materials must be received on/before October 14, 2015 for the next regular meeting of the Planning Board scheduled on November 10, 2015.

Respectfully submitted,

Maura Stetson
Recording Secretary

Approved on _____