

DRAFT

TOWN OF NEWPORT, NH
Minutes of the Planning Board Meeting
December 8, 2015 - 6:00 P.M.
Board of Selectmen's Room
15 Sunapee Street
Regular Meeting and Public Hearing

MEMBERS PRESENT: Howard Dunn, Chairman; David Burnham, Vice Chairman; Ken Merrow, Bill Walsh, Karen Dewey, Gary Nichols, BOS Representative

MEMBERS ABSENT: Jeff North, Erna McCormick, Alternate; David Kibbey, Alternate

PRESENT FROM THE COMMUNITY: Michael Clark, abutter; Anne and Doug Sewerd, abutters; Rick Simmons, abutter; Scott McCoy, Community member

VIDEOGRAPHER: Louis Cassorla, NCTV

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

CALL TO ORDER: Chairman Dunn called the meeting to order at 6:00 p.m. followed by a roll call.

AGENDA REVIEW: Staff suggested that the New Business be conducted in advance of the public hearing on the adoption and amendment of the Site Plan Review Regulations.

MINUTES:

November 10, 2015.

On a motion by Mr. Burnham, seconded by Mr. Merrow; *the Board approved the minutes of the November 10, 2015 meeting as presented. The motion passed 3-0-2 (Mrs. Dewey and Mr. Nichols abstained).*

ADMINISTRATION:

New Planning Board Member

Ms. Magnuson addressed the Planning Board and introduced to the Board and viewing public Mrs. Karen Dewey as the Planning Board's new full member. She stated that the Board of Selectmen had appointed Mrs. Dewey to the position at their November 16, 2015 meeting. Ms. Magnuson listed Mrs. Dewey's experiences and stated she had previously served on the Planning Board. Chairman Dunn addressed Mrs. Dewey and welcomed her as a full member to the Planning Board.

In accordance with New Hampshire RSA 675:6, there will be a Public Hearing on the Adoption and Amendment of the Town of Newport Site Plan Review Regulations. The amendments include the authority of the Planning Board to match that which was as voted on at Town Meeting on March 11, 1986; correcting typographical errors; rewording one application requirement; updating current state agency names, permits and building codes.

Chairman Dunn addressed Ms. Magnuson and the public in attendance and stated that the Public Hearing would be held after the two (2) cases to be heard at the December 8, 2015 meeting. Chairman Dunn clarified and stated that the applicants would be heard first and the Public Hearing would be held after them. The Planning Board members concurred.

CONTINUED BUSINESS: None

NEW BUSINESS:

Note—The following application should be reviewed as part of the public meeting.

The Town of Newport Subdivision Regulations states the following:

3.01 Expedited Review for Annexation, Minor Lot Line Adjustments, and Boundary Agreements Which Create No New Lots or Nonconforming Lots.

a.) Notice is required.

b.) Any abutter may be heard on the application for review at the public meeting when the matter is discussed by the Board. If deemed necessary, the Board may adjourn its consideration to another date and time to allow further abutter participation.

2015-ANFP-001: Bert and Jacqueline Spaulding, Sr. (Owners) request review of an annexation of land/lot line adjustment for property identified as Map 234 Lot 031 and located at 636 John Stark Highway in the Kelleyville (K) Zoning District.

Chairman Dunn opened Case #2015-ANFP-001. He addressed the applicant present and asked if he had a presentation for the Board. Mr. Bert Spaulding, Sr. addressed the Chair and stated that the maps and information they had been provided should be sufficient information for his case.

Chairman Dunn addressed the Board members and asked if they had questions. There were none. Chairman Dunn again addressed the Board members and asked for a motion. On a motion by Mr. Nichols, seconded by Mr. Burnham, ***the Board approved the subdivision lot line adjustment. The motion passed 5-0-0.***

Ms. Magnuson addressed the Chair and stated there were two Notices of Decision ready for his signature. She requested that Chairman Dunn appoint two Board members to sign the Mylar. Chairman Dunn appointed Mrs. Dewey and Mr. Burnham to sign the Mylar.

Mr. Spaulding addressed the Chair and asked to speak before he signed the Notice of Decision. He stated there was a question on one lot, the Johnson lot from the August 25, 1975 meeting. Mr. Spaulding read from the approved minutes of that meeting and explained the questions and decision that was made before the current Zoning regulations.

Chairman Dunn asked Mr. Spaulding to explain the relevance to Case #2015- ANFP-001. There was a general discussion on the land lots, road frontage and road access between the Planning Board Chair, Mr. Spaulding and Ms. Magnuson.

Chairman Dunn called for a reaffirmation of the vote. ***The Board reaffirmed their vote. The motion passed 5-0-0.***

Ms. Magnuson again requested that Chairman Dunn sign the two Notices of Decision. She stated that Mr. Spaulding would be providing a Mylar for signing and recording at the Sullivan County Registry of Deeds. Mr. Spaulding addressed the Chair and asked if they were going to require a Mylar on a lot line adjustment. Chairman Dunn told Mr. Spaulding yes, that it needed to be recorded with the Registry of Deeds. Mr. Spaulding argued that it was his belief that the reason behind the process was for taxation.

Chairman Dunn explained that Mr. Spaulding was changing the lot line; therefore it needed to be recorded with the Registry of Deeds. There was continued discussion between Chairman Dunn and Mr. Spaulding concerning the need of a Mylar.

Ms. Magnuson offered to check with legal counsel concerning the need for a Mylar and also whether a waiver of a Mylar could be applied for. Chairman Dunn agreed with her request.

He then addressed Mr. Spaulding and stated that the case was closed, that the lot line adjustment had been approved and that all subdivisions and adjustments needed to be recorded with the Registry of Deeds.

Ms. Magnuson again stated she would check with legal counsel concerning the questions for a Mylar.

Chairman Dunn addressed Mr. Spaulding and stated that he (Dunn) had to sign the Notice of Decision. The lot line adjustment had been approved by the Planning Board.

2015-SPFP-004: Tekoa Missions, Inc. (Owners), Paul E. Lindgren (Agent) request final review of a site plan consisting of a proposed two story, 30 x 82 addition on an existing lodge. The property is identified as Map 242 Lot 071 and is located at 5 School House Road in the Rural (R) Zoning District.

Chairman Dunn opened Case #2015-SPFP-004. He asked for the agent of the case, Mr. Paul E. Lindgren. Mr. Lindgren addressed the Chair and stated that the architect of the project was in attendance and would be able to answer their questions better than he would. Mr. Lindgren addressed Ms. Magnuson and asked if the Board had received the new and revised proposals for their consideration. Ms. Magnuson stated they had been given a copy of everything that had been emailed to her office on December 8, 2015 including the six waivers requested and the additional building that had not been included on the original application.

Mr. Seth Westbrook, Architect of UK Architects, PC was acknowledged by Ms. Magnuson. She asked Mr. Westbrook if he had large plans that he could post on the board for the Planning Board members, audience and viewing public to see. He did not.

Ms. Magnuson then addressed the Planning Board members and reminded them that they needed to ascertain whether the application was complete before it could go into Public Hearing and be open to the public for questions.

Ms. Magnuson stated that the applicants were asking for six waivers.

Chairman Dunn acknowledged Mr. Westbrook and asked him to describe what the applicants were proposing. Mr. Westbrook stated they were adding a 30' x 48.5' section of new building to the south of the existing building. He stated that the existing classroom jutted out and there would be expanded classroom space and a sound and recording studio on the ground level. Mr. Westbrook stated there would basically be a large classroom space on the second floor and a sound studio on the first floor. The applicants had modified the footprint from its original submission to address the life safety concern; specifically egress from the second floor classroom. It had not been addressed in the original plans, so they had added stairs to the plan to show a safe egress from the classroom area in case of an emergency.

Chairman Dunn asked for clarification. Mr. Westbrook stated the original plans for the site plan review documentation had been modified. Chairman Dunn asked if the modifications were what Ms. Magnuson had received December 8, 2015. Mr. Westbrook stated yes. Chairman Dunn asked Mr. Westbrook if the site plans with the red mark-ups were what Ms. Magnuson had received. He stated yes.

Chairman Dunn asked for other modifications that had been made. Mr. Westbrook stated that a deck had been added. Continuing, he stated that the footprint of the building was the same with the exception of the stairway and the deck.

A Board member inquired about the new retaining walls indicated on the revised site plans. Mr. Westbrook stated that they had been added to the site plan on December 8, 2015, after a meeting with a structural engineer.

Ms. Magnuson addressed Chairman Dunn and asked if there was Town water at the 5 Schoolhouse Road location. The applicants stated it had an artisan well. Ms. Magnuson then asked how many people would be residing at the location at a time. She was told there were presently twelve (12) with an estimated future capacity of twenty (20) individuals by the fall of 2016. Chairman Dunn addressed the applicants and asked for clarification. He asked if they were predicting twenty overnight accommodations.

Mr. Merrow asked the Chair if they (Planning Board) were then looking at a change in use scenario, which would be a Zoning issue. Ms. Magnuson stated she had included in the Chair's file the approved Zoning permit for the property. The owner, Jeanette Scales, had received zoning approval to operate the lodge, and had gone to the Zoning Board of Adjustment when she wanted to do the fitness classes in the basement.

The permit (for the Tekoa Missions applicants) stated that it basically was for the same lodge use as it had been originally. The permit also stated that it would have to follow all state and local laws; that specifically meant noise and other ordinances.

Chairman Dunn addressed Ms. Magnuson and asked if there were drainage issues on the property. Ms. Magnuson stated she did not know. She had sent the plans to the Public Works Department and had not received a reply. Ms. Magnuson did not know if the applicants had submitted anything concerning drainage.

Mr. Westbrook addressed the Chair and stated that plans had changed since their first submissions. He stated that the currently proposed roof design had been changed slightly. There had originally been proposed a gable roof over the entire building. The architects were now proposing a single pitch shed roof over the classroom area which was the small connector area. The architects were now proposing to direct the water away from the door in the east side courtyard area. With this change the applicants would not have to deal with water and ice in that space.

Mr. Westbrook asked the Chair if the water runoff to the west would be an issue to the Town (water would be directed to a Town road). Ms. Magnuson explained to Mr. Westbrook that at Planning Board site plan reviews there would typically be an engineer in attendance who would make a statement or enter a report on proposed water drainage. It was done with every plan that is heard by the Planning Board.

Mr. Westbrook addressed Ms. Magnuson and stated that the applicants had the ability to deal with surface water onsite.

Mr. Merrow addressed the agent and asked, for clarification if there was a new bathroom and fixtures. He was told that it was a preexisting bathroom that was being renovated to meet ADA (handicap accessibility) requirements. They discussed the design of the bathroom.

Mr. Westbrook addressed the Board and stated that they were revising the bathroom on the first floor to meet the same requirements.

Chairman Dunn addressed Ms. Magnuson and asked what was not complete with the application. Ms. Magnuson answered, stating the applicant was requesting six (6) waivers. The Chair stated he had the six waivers. For clarification, he asked if they were being requested by Ms. Magnuson, or the applicants. She replied by the applicants. She also stated they were on the application, which was a requirement.

Chairman Dunn repeated his question of six waivers. For clarification he read and the Planning Board discussed all six waivers (see complete waivers on file in the TOPAZ office):

- ❖ They don't want to indicate snow storage.

Chairman Dunn addressed the applicants and inquired if they would be putting more demands on parking. He was told no. Chairman Dunn then asked if it would be an increase of accommodations. He was told no. Mr. Westbrook addressed the Chair and stated that there would be stairs and an egress path, but it would not be plowed.

Mr. Merrow addressed the applicant and asked about the new entrance (as seen on the site plan). He asked how it would be kept free of snow, etc. There was a discussion between the applicant and Mr. Merrow about the Town's requirements to keep the egress free of obstacles and snow or ice.

Chairman Dunn acknowledged Mr. Walsh. Mr. Walsh explained that the Town requirement with an egress stairway was that the applicant would have to provide access to a public way. He explained the requirement further.

Chairman Dunn asked if there was a sidewalk to a public way. He said no, it was an exit to grade. Mr. Walsh stated that the fire chief and building inspector would review the egress and exit in detail.

Mr. Westbrook stated they could meet any requirements that were specific. Mr. Walsh recommended that Mr. Westbrook discuss the egress with the fire chief and building inspector. He gave different scenarios that they might expect.

They continued discussing the egress situation and whether a new driveway to East Mt. Road would be required.

Chairman Dunn addressed Mr. Walsh and asked if the Planning Board should not approve the application pending visits from the building inspector and fire chief. Mr. Walsh stated that he did not believe it would change the site plan before the Planning Board. Ms. Magnuson stated that the fire chief had sent in comments on the project and the Board had them. Before they were read, Ms. Magnuson requested that she ask a question of Mr. Westbrook.

Ms. Magnuson asked what the geotechnical report was that was done by S.W. Fulton Engineering. She asked if it accompanied the application. Mr. Westbrook stated the results had not been received by the applicants yet. Ms. Magnuson stated, for clarification, that the Planning Board would not be able to see the report. Mr. Westbrook agreed, saying the information to the Planning Board was not a full submission. Ms. Magnuson asked what the report would address. Mr. Westbrook stated it would relate to the construction details of the retaining walls shown on the site plans. Ms. Magnuson stated that would be in the purview of the building permit. Mr. Westbrook explained it would take care of the grid in that location on the west side of the building. Ms. Magnuson asked if it might change. She was told it was a new development as of December 8, 2015.

Chairman Dunn read the fire chief's comments. Fire Chief Conroy had stated that the site plan looked okay. He needed more information as to what the building would be used for and asked for additional plans. Mr. Westbrook stated that additional plans would be sent to him as part of their building permit submittal.

For clarification, Chairman Dunn asked if they would be submitting as part of the building permit process a description of the access to the new exit that was being built. He was told yes.

Chairman Dunn conferred with Mr. Walsh on the submittal and if the waiver for snow removal purposes would be acceptable. Mr. Walsh stated he believed it was.

- ❖ Submission of Documentation to NH Water Supply and Pollution Control Commission (NH WSPCC) for sewage disposal system approval.

Chairman Dunn asked for any questions. Mr. Burnham stated that the documentation on the septic system should be in the original file in the TOPAZ office. It would be a number from DES. Mrs. Dewey asked if there was one from the previous owner, Jeanette Scales. Ms. Magnuson said she did not know. Mr. Nichols asked if it was based on square footage.

Mr. Lindgren addressed the Board and stated that they had pulled the information from the Planning Office and had used it in the planning process and checking the system. Addressing Ms. Magnuson, he stated that he had obtained it from her office. Ms. Magnuson concurred.

For clarification, Chairman Dunn stated the waiver was okay.

- ❖ Submission of material submitted to NH Department of Public Works and Highways for access driveway approval for any access to a State Highway.

Chairman Dunn stated there was no state highway involved. The Board concurred.

- ❖ Submission of NHWSPCC approval of proposed sewage disposal system.

For clarification of the request, Chairman Dunn stated that the system was existing and no changes were proposed.

Mr. Merrow stated that the waiver request was the same as the second one. Mrs. Dewey and Chairman Dunn concurred.

- ❖ Submission of entrance/exit approvals from the Newport Planning Board for proposals with access points on town roads.

For clarification of the request, Chairman Dunn read that no changes were proposed to existing access. He addressed the Board members and asked if they had questions or issues with the waiver.

Mr. Burnham stated that nothing had changed concerning the entrance or exit to the property.

- ❖ Submission of Mylar site plan.

For clarification of the request, Chairman Dunn read that the applicant stated it was a minor project.

Mr. Burnham stated that no lot lines had been changed.

Chairman Dunn called for a motion to accept the waivers as read. On a motion by Mr. Burnham, seconded by Mrs. Dewey; ***the Board voted to accept the waivers as read (numbers 1-6). The motion passed 5-0-0.***

Chairman Dunn then called for a motion to accept the application as complete. On a motion by Mr. Burnham, seconded by Mr. Walsh; ***the Board voted to accept the application as complete. The motion passed 5-0-0.***

Chairman Dunn explained that the next portion of the case would be a public hearing on the application. Addressing the applicants, Chairman Dunn asked if they were seeking a final approval at the December 8, 2015 meeting.

Chairman Dunn acknowledged Ms. Magnuson. She stated they had added (to the site plan review) a 2,000 square foot building. It was not plotted on the site plan. The applicants neglected to have its description in the official documentation. She believed it was an oversight by the applicants.

Chairman Dunn addressed Ms. Magnuson and asked, for clarification, if the floor plan they had did not include the new building. There was a discussion between Board members, Mr. Westbrook approached Chairman Dunn and explained, with the use of his site plan, the discrepancy. Chairman Dunn addressed Mr. Westbrook and stated that he should speak on the matter so that the attending and viewing public could understand his explanation. He addressed the audience present and asked if there were abutters present. This was affirmed by members present.

Mr. Westbrook addressed the abutters and explained the location, description and use of the outbuilding. He repeated it for the Board. He added that the applicants had planted arbor on a part of the lot. They would have an agrarian outreach program. The outbuilding would be near the gardens and its use utilitarian.

Mr. Lindgren stated that the property had not had any buildings for storage. With the addition of the 2,000 square foot building they would have a building to store things. Ms. Magnuson asked that he introduce himself. Mr. Lindgren again introduced himself, explaining he was a volunteer for the applicants, Tekoa.

Chairman Dunn stated that the building was not on the site plan. Mr. Lindgren corrected that the building was on the site plan but was not noticed to the abutters. He explained that the abutter letter addressed the addition and failed to address the outbuilding.

Chairman Dunn addressed Ms. Magnuson and asked if they needed to do another site plan to get the garage approved. Mr. Nichols stated that he had a couple issues with the garage. First, he did not see an egress for the building (for emergency purposes). Addressing Ms. Magnuson, he asked if the fire chief had seen the garage. Ms. Magnuson stated no. Mr. Nichols stated that the Planning Board was not considering a shed, but a substantial building. There was no report back from the fire chief at all. Mr. Nichols gave the options of disregarding the garage building or stating the Board could continue the case and request that the applicants return when the plans were complete and could be presented in full.

Mr. Lindgren addressed the Chair and stated they could submit it as two different projects. There was a lengthy discussion among the Board members concerning the feasibility of submitting the application as two different projects.

It was noted that the garage was on the site plan and could not be ignored. The requirements for the garage, because of its size, were unknown.

Chairman Dunn expressed his dissatisfaction with not having the information concerning the garage before the Planning Board had gone through the six waivers and accepted the application as complete.

The Planning Board members brainstormed on how to continue with the original application and not involve the garage in the proposed approval.

Mr. Walsh addressed the Chair and stated that the plans for the workshop (garage) did not have any facilities. Mr. Lindgren explained the proposed use of the building. Mr. Walsh addressed Mr. Lindgren suggested he talk with the building inspector as to the requirements for a structure of that size. He explained that one factor might be the distance between the buildings on the property.

Ms. Magnuson stated she would be sending the collection of plans to the building inspector to work with. She suggested that since they had unknowingly approved the application as complete without the information on the garage building, the Planning Board had sixty five days to approve or deny the application. Continuing, she stated that they had abutters at the meeting and that they (the Planning Board) could listen to the abutters concerns or support. If the Planning Board continued the meeting for a month they would have the report...Chairman Dunn asked Ms. Magnuson what report she was talking about. She replied the drainage report for the retaining walls. There was a discussion on the need, size and Planning Board requirements for the retaining walls and how they would be built as well as any drainage issues that might arise.

Chairman Dunn stressed that the Planning Board required that drainage be shown on a site plan application. He reiterated that the Planning Board required the design and the drainage treatment of the retaining wall. Mr. Westbrook asked Chairman Dunn for clarification; the retaining wall specifically or the entire building? The Chair stated that the Board required the drainage on the addition and the retaining walls be shown on a site plan.

Ms. Magnuson addressed the Chair and stated that the applicants had a list of what the Planning Board was requiring of them. The Board could continue the case to the January meeting, at which time the applicants could produce required documents for the entire project. Chairman Dunn concurred. There were no further questions from the Board. He then stated there were abutters in attendance that should be heard.

Chairman Dunn addressed the applicants and asked if there was exterior lighting on the building. He was told only the existing lighting. He stated it needed to be shown on the plans. Chairman Dunn then asked when the geotechnical report would be done. He was told. Chairman Dunn asked that the report be submitted to the Planning Board. The applicant agreed.

Mr. Westbrook asked what the submission deadline was for the next meeting. Ms. Magnuson stated it was January 4, 2016. The meeting would be held on January 26, 2016.

Chairman Dunn addressed the Planning Board members and asked for additional information they would like to see on the revised site plans. There was none. Ms. Magnuson suggested that if at the January 26, 2016 meeting the applicants included the garage in their application, then they could use the same site plan. Chairman Dunn concurred.

Chairman Dunn opened the hearing to public comments. Mike Clark, abutter, stated he had some concerns. He owned two properties that abutted the lot in question. He explained that when the building was owned by Jeanette Scales, and she had large day functions there were water problems. The abutters would run out of water during these times, after the influx of people there was no problem with the water. He had mitigated the problem on his first property by having two separate systems for their daily use. On his second property he had to dig two wells to ensure that he would have continuous water. He reiterated that he had concerns with the water problem.

Mr. Clark stated that he felt the Planning Board had missed important information on the septic system. He explained the ratio of people per household for a state approved septic system. He stated that the original owner called the building a lodge, therefore the tank capacity was in question. Referring to the applicant's statements, they currently had twelve individuals living there and would potentially go up to twenty by the fall of 2016. Since the design and capacity of the septic system was unknown, it should be reviewed for constant living. The definition of lodge and constant living were not the same.

Mr. Clark's third concern was of traffic. There has been no traffic study done or produced for the Board to consider. There was no discussion on the additional number of cars going in and out.

Mr. Clark reiterated his three concerns: water, septic and traffic.

The Chair acknowledged Mr. Burnham. Mr. Burnham stated that on their application it stated it would be difficult to determine the additional amount of traffic that would incur. Their estimate was five (5) vehicles a day.

Mr. Clark addressed the Board and asked that the applicants quantify the amount.

Mr. Lindgren addressed Mr. Clark and stated he was interested in the historical data. Mr. Lindgren stated that he had spoken with the septic people. They were trying to be very cognizant of everything. Addressing Mr. Clark, he stated that the septic system had been designed for twenty four (24) people; although not 24/7. He explained the procedures to be taken to ensure things were going to be done correctly.

Mr. Clark and Mr. Lindgren continued to discuss the potential water and septic problems.

Chairman Dunn asked if there was another abutter that would like to speak. Mr. Doug Sewerd, abutter, stated that one concern of his was noise. He stated that the plans showed areas for a sound studio and classrooms. It was a quiet neighborhood and that was one item that appealed to the residents. He wanted to know what would go on at the property.

Mr. Lindgren assured Mr. Sewerd that the sound studio was completely soundproof. It was a production studio for a website.

Mr. Sewerd referred to a party the residents had had their first weekend at the lot which was very loud. Mrs. Sewerd stated that it was loud and expressed that a personal notice of the party would have been nice.

Mr. Andre Waller apologized for the negligence.

Chairman Dunn asked if there were comments from other abutters. He then asked for comments from the community members present. Mr. Spaulding was acknowledged.

Mr. Spaulding stated that with the SooNipi Lodge the number twenty four (24) was important to note. If the lodge or subsequent owners hit the number twenty five (for non-transient people) they then had to be on a public water and sewer supply. He stated the Planning Board needed to carefully note the number.

Chairman Dunn then asked the applicants to explain the arrangements for the proposed twenty individuals. They did.

Ms. Magnuson addressed the Chair and stated that she had provided him a description of lodge as noted for Newport Zoning Ordinance as well as the stipulations for the previous SooNipi Lodge building.

Mr. Clark made comments regarding the original meaning and purpose of the SooNipi Lodge. He disagreed that the proposed arrangement was what the original purpose was. He continued and stated that their water supply affected his water supply. They were all artesian wells.

Mr. Lindgren and Mr. Clark discussed this possibility; Mr. Clark expressed the results of her usage.

Chairman Dunn addressed Mr. Lindgren and asked about the noise concern and specifically the party. Mr. Lindgren explained. Chairman Dunn interrupted Mr. Lindgren and asked if it was a one-time thing. He stated it was.

The Chair then acknowledged Mr. Spaulding. Mr. Spaulding addressed Chairman Dunn and stated that if the group (twenty proposed) hit the twenty five number capacity they would trigger the NH approved water supply set by DES. Continuing, he stated that if less than twenty five people resided there, but additional people came in to service their needs (and met 25+ people) the applicants would need to use a public water and sewer supply.

Mr. Nichols asked about the main house. He stated that a proposed twenty people would be in the lodge. How many would be in the house. He stated they were attached, therefore they would be considered one facility.

Mr. Lindgren stated that the main house had its own well and septic. There were three bedrooms. There was a discussion between Mr. Nichols, Mr. Lindgren and Mr. Westbrook concerning the main house and its septic and water.

Mr. Merrow pointed out that the site plans showed only parts of the building structures, there was not one that showed the building as a whole. With the addition it might need fire walls or other items; it was an unknown. He listed the items that the plans did not show.

Chairman Dunn addressed the applicant and asked if there was a reason they were left out. Mr. Westbrook stated they were not changing anything. The Chair reiterated his answer to the Board.

Chairman Dunn addressed the Planning Board members and asked if they had any requests of the applicant concerning water or septic. There was a discussion among the Board members concerning the water issue. There was a lengthy discussion on the regulations and whether to ask the applicant to hire an expert to tell the Board whether it is a burden or not.

Mr. Westbrook addressed the Chair and stated he did not know whose jurisdiction the water problem would be under. Chairman Dunn addressed Mr. Westbrook and stated if it was a new application that the Planning Board would need to have a report from an expert in the field. They would also need to know if there was any regulation for it.

Mr. Clark disagreed with the Chair as to a difference in use. The applicants had stated that the property would be used differently than it had been in the past. Chairman Dunn stated it had been before the Zoning Board. For clarification, Ms. Magnuson stated they had not. Chairman Dunn stated that use was in the Zoning Board's purview. Mr. Clark agreed. He then addressed the Chair and stated it was a change of use: originally it was a lodge and now it was a school. It was a change of use.

Ms. Magnuson addressed the Chair and stated that Mr. Clark made a good point; the new plans referred to classrooms. If it was a school instead of a lodge, then it is different from what she (Ms. Magnuson) was asked when they applied for their Zoning permit.

Chairman Dunn addressed Ms. Magnuson and asked if a school was a permitted use in the zone.

The applicants stated that it was not a school. It was a missionary center where people would come to learn, then go out for missionary work. It was not stated recognized, there were no diplomas.

Mr. Clark stated it was not a lodge.

Mr. Westbrook stated it was listed as business occupancy under the building code.

There was a discussion on the usage among the Board; Ms. Magnuson stated that there was a very reasonable question being asked about its future use.

They reiterated discussions concerning the water problem. Mr. Lindgren asked if they dug another well if it would help the problem.

Chairman Dunn acknowledged Mr. Scott McCoy, a trained geologist, if he could speak to the subject. Using the board to illustrate, Mr. McCoy explained the relationship of wells, water tables and “draw down” complications that could occur where excessive water was being used (by one party).

Chairman Dunn addressed Mr. Lindgren and asked if he had heard about the water issue before the meeting. He had not.

Chairman Dunn addressed the Board and attending public and stated that the applicant had not heard of the issues before the December 8, 2015 meeting. The applicant needed to do the items the Board had requested. The Planning Board would continue the meeting to January 26, 2016. The applicants also needed to look into the water problem.

The Chair acknowledged Mr. Spaulding. Mr. Spaulding addressed the applicants, suggested they go on to the NH DES website and look up the depth and recovery of all drilled wells in the area (Newport). All wells were on file with the DES. Mr. Clark gave additional information.

Mr. Merrow added another item for the site plan. He requested that the site plan be cleaned up to show the separation between the barn and the existing house to show it as two different buildings. He repeated his request for the Chair.

Andre Waller addressed the Chair and stated that when they were getting the building insured, the insurer stated it was one building.

Anne Sewerd, abutter, asked the Chair to address the traffic on the road. She explained the hazards.

Mrs. Dewey addressed the Chair and asked if the Planning Board could insist that all departmental reports be submitted before they heard the case in January 2016. There was a discussion concerning the procedure to acquire them.

Chairman Dunn addressed the applicants and stated the issues that they needed to attend to:

1. Drainage
2. Lighting

3. Geotechnical report
4. The separation between the buildings
5. Water quantify the demands to be put on the system
6. If the accessory buildings are not brought up they need to be removed from the plans
7. If accessory buildings are to be reviewed the information needs to be sent in for review by departments
8. Possible access around the garage building
9. Check with building inspector about the garage building (water and bath facilities)

The applicant addressed the Board and asked if they should come with two sets of plans, one for the garage and the other for the original site plan. There was discussion. Mr. Lindgren stated if they resubmitted them...Chairman Dunn asked they return with two separate plans.

Ms. Magnuson addressed Mr. Lindgren and asked him to be very specific when addressing drainage, drainage for the addition and drainage for the retaining walls; they were two separate issues. Chairman Dunn again explained the requirement of drainage reports for site plan approval.

The Board, applicants and Ms. Magnuson reiterated and discussed all the issues in question. Chairman Dunn requested that when they returned they make a presentation on the proposed events in a calendar year that would take place on the property.

Mr. Westbrook addressed the Chair and asked for the process they would follow to return to the Planning Board.

Ms. Magnuson stated:

1. Applicants would submit new documentation on January 4, 2016 to the Planning and Zoning office for the additional building and all other materials that the Planning Board asked to be provided.
2. There will be an application fee for the new building (garage).
3. There will be new abutter notices sent out.

There was discussion as to whether all steps needed to be done.

Ms. Magnuson restated:

1. Applicants would submit documentation that the Planning board had requested at the December 8, 2015 meeting on or before January 4, 2016.
2. The information would be sent to the Planning Board for their January 26, 2016 meeting.

Chairman Dunn addressed Ms. Magnuson and stressed that she would receive the information and distribute it in a timely manner to the Town department heads for their comments. Reviews would be based on the new material.

For clarification, Mr. Westbrook asked about the timeframe for submitting information to the Planning and Zoning office. Both Chairman Dunn and Ms. Magnuson stated it should be delivered as soon as possible; Ms. Magnuson stated that as soon as she received it she would send it to the Department Heads.

There was an extensive discussion reiterating previous questions.

Chairman Dunn officially called for a continuance of the hearing. The Planning Board would continue the hearing to January 26, 2016 at 6 p.m. Chairman Dunn stated they would welcome the applicants back at that time.

"In accordance with New Hampshire RSA 675:6, there will be a **Public Hearing on the Adoption and Amendment of the Town of Newport Site Plan Review Regulations.** The amendments include the authority of the Planning Board to match that which was as voted on at Town Meeting on March 11, 1986; correcting typographical errors; rewording one application requirement; updating current state agency names, permits and building codes.

Chairman Dunn opened the Public Hearing. He addressed Ms. Magnuson and asked if the changes to the "Town of Newport, NH Site Plan Review Regulations" document had been made as requested by the Planning Board and as advised by Town counsel. Ms. Magnuson stated the changes were made as understood by her at the last meeting. Each change was gone over page by page by the Board and community member present. Ms. Magnuson concluded by stating she had added a signature page.

Chairman Dunn called for a voted on the amended Site Plan Review Regulations.

On a motion by Mr. Walsh, seconded by Mr. Merrow; ***the Board voted to adopt the document to remove typographical error under Article II Purpose and Scope thereby deleting "or change or expansion of use" from the document. The motion passed 5-0-0.***

Chairman Dunn then asked Ms. Magnuson to explain the next procedure to finalize the amendment of the official document. Ms. Magnuson stated she would retype the document and have it at the January 26, 2016 meeting for the Planning Board members to sign.

Chairman Dunn addressed the question of taking action to modify the authority of the Planning Board with respect to site plans be put on the Town Warrant. He was in favor of it. The Board members concurred. Chairman Dunn asked Ms. Magnuson to explain the procedure for it. Ms. Magnuson stated first was a Public Hearing Notice to amend the site plan review regulations to mirror the current language in the statute so Newport would be consistent with the stated law as it is in 2015. She inquired if the Chair would like her to prepare one and the Planning Board could hold a Public Hearing on the action at their January 26, 2016 meeting. The Chair and Board members agreed. Chairman Dunn asked for a motion on the subject.

On a motion by Mr. Nichols, seconded by Mr. Merrow; ***the Board voted to instruct the Administrator to plan a public hearing to present changes to the site plan review to make them compliant with state law RSA 674:43. The motion passed 5-0-0.***

Mr. Spaulding addressed the Chair and expressed his dissatisfaction in the Planning Board not following their rules of procedure. He spoke in detail of the agenda and the lack of the "public comments" item on the agenda. Mr. Spaulding and the Board members held an intense discussion on the agenda and the necessity of holding a monthly meeting.

Chairman Dunn addressed Ms. Magnuson and directed her to consult with the Town counsel to see whether the requirement is required to be obeyed. There was a short discussion among Board members as to the purpose of holding a meeting with no business.

There being no further business, on a motion by Mr. Merrow, seconded by Mr. Nichols; ***the Board voted to adjourn at 8:21 pm. The motion passed 5-0-0.***

Respectfully submitted,

Maura Stetson
Scribe

DRAFT