

**TOWN OF NEWPORT, NH**  
**Minutes of the Planning Board Meeting**  
**February 13 2018 – 6:00 P.M.**  
**Board of Selectmen's Room**  
**15 Sunapee Street**  
**Regular Meeting and Public Hearing**

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**MEMBERS PRESENT:** David Burnham, Chairman; Ken Merrow, Vice Chairman; Bert Spaulding, Sr.; Ray Kibbey

**MEMBERS ABSENT:** Barry Connell, BOS Ex Officio; Bill Walsh; Howard Dunn

**VIDEOGRAPHER:** Louis Cassorla, NCTV

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

**CALL TO ORDER:** Chairman Burnham called the meeting to order at 6:10 p.m. followed by a roll call.

**AGENDA REVIEW:** Ms. Magnuson requested that the record reflect the receipt of a Wetlands Permit for Coon Brook Road. This is a Town project.

**NEW BUSINESS: None**

**Continued Business:** The Keeping of Hens and Beekeeping.

There was discussion as to whether the Board should go into Non-Public session or whether it was unnecessary. It was the consensus of the Board that it was unnecessary.

**MINUTES: January 9, 2017. On a motion by Mr. Spaulding and seconded by Mr. Merrow the Board voted to open discussion on the Minutes of the Planning Board Meeting on January 9, 2018.** Mr. Spaulding pointed out that on page 2, paragraph 2, the acronyms for "PVC" and "TFM" should be spelled out for future understanding. Also on page 1, paragraph 3, second sentence under New Business should read, "The applicant is requesting a *waiver of* a full boundary survey." A member also pointed out the in the same paragraph, the word "shoes" should be "shows."

There was further discussion on whether or not the Board voted to approve the waiver of the full boundary survey. It was requested that the meeting be reviewed for clarification on this matter.

On a motion by Bert Spaulding, and seconded by Ken Merrow, *the Board unanimously voted to table the Minutes of the Planning Board Meeting on January 9, 2018 with the added corrections.*

The Board went back to focus on the proposed zoning amendment for the Keeping of Hens. Ken Merrow made a *motion to stop the conversation and leave the Zoning Ordinance as it is written now.* There was some general discussion. *The motion died for lack of a second.*

Bert Spaulding made a *motion to enter into Non-Public Session under the terms of RSA 91-A:3, II (I): Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Ken Merrow seconded the motion.*

*Upon a roll call vote of the four members present, the Board entered Non-Public Session at 6:21pm. Chairman Burnham requested the presence of Planning & Zoning Administrator, Julie Magnuson.*

The Board reconvened at 6:44pm.

On a motion by Bert Spaulding and seconded by Ray Kibbey, *the Board voted to indefinitely embargo the minutes of the Non-Public because it was determined that divulgence of the information likely would render a proposed action ineffective. All voted in the affirmative.*

*Bert Spaulding made a motion to continue discussion on the Zoning Amendment concerning the Keeping of Chickens. Ray Kibbey seconded the motion for discussion. All voted in the affirmative.*

Seth Wilner, UNH Cooperative Extension and Newport resident asked questions of the Board and read aloud NH RSA 674:32a-d. This law pertains to the Agricultural Uses of Land. There was discussion back and forth as to whether this statute applies to the proposed zoning amendment. It appeared that the question required further research.

*In the form of a motion, Mr. Spaulding suggested the following changes to the last draft of the proposed amendment that the Board was working on. His suggestions were as follows:*

- *First sentence beginning with "The intent..." add the words "in all zoning districts."*
- *C. No roosters shall be allowed. Remove*
- *D. There shall be no outside slaughtering of hens. Remove*
- *E. Remove the last sentence (The secure enclosure and coop shall be maintained in a humane and sanitary manner).*
- *F. Remove the last sentence (A zoning permit must be obtained prior to the construction of the enclosure coop, and the keeping of hens).*

*Ray Kibbey seconded the motion for discussion.* There was back and forth discussion that resulted in the following:

- *First sentence beginning with "The intent..." add the words "in all zoning districts."*
- *C. No roosters shall be allowed. Put back in*
- *D. There shall be no outside slaughtering of hens. Remove*
- *E. Remove the last sentence (The secure enclosure and coop shall be maintained in a humane and sanitary manner).*
- *F. Remove the last sentence (A zoning permit must be obtained prior to the construction of the enclosure coop, and the keeping of hens).*
- *In the second paragraph change the word "agriculture" to "farming". (Newport Zoning Ordinance defines farming, but not agriculture)*

*Chairman Burnham called for a vote: Mr. Spaulding, yes; Mr. Kibbey, yes; Chairman Burnham, yes; Mr. Mellow, no. The vote carried.*

Ms. Magnuson was asked to make the changes and post the proposed ordinance at the next meeting of the Planning Board for a public hearing on the matter.

It was the consensus of the Board to pass over the discussion of a Beekeeping Amendment this year.

Mr. Spaulding commented on the positive aspects of keeping chickens.

On a motion by Mr. Merrow, seconded by Mr. Kibbey, *the Board unanimously voted to adjourn at 7:30pm*

Respectfully submitted,

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Julie M. Magnuson  
Planning & Zoning Administrator

Approved on: