

**TOWN OF NEWPORT, NH**  
**Minutes of the Planning Board Meeting**  
**December 10, 2016 – 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.; John Hooper, BOS Representative; Ray Kibbey

**MEMBERS ABSENT:** David Kibbey, Alternate; Erna McCormick, Alternate

**VIDEOGRAPHER:** John Lunn, NCTV

**STAFF PRESENT:** Liz Emerson, Zoning Administrator; Paul J. Brown, Finance Director

**COMMUNITY MEMBERS PRESENT:** Margot Estabrook, Phil Estabrook, Annette Kozikowski, Ramona Kozikowski, Mary Schissel, Larry Schissel, Linda Morrow, Sally Carruth, Phyllis Carruth, Joan Carruth, Alexandra Matthews, Linda Timbrell, Tony Timbrell, Jason Foster and Clayton Platt

**CALL TO ORDER:** Chairman Burnham called the meeting to order at 6:05 p.m. followed by a roll call.

**AGENDA REVIEW:** Add: Finance Director Brown for land purchase in Town of Newport

**NEW BUSINESS:**

**2019-SDFP--001: ZCMJ Realty (Owner) Clayton Platt (Agent)** request final review of a two lot subdivision for the property identified as Map 260 Lot 018. The proposal is to subdivide the 86+/- acres into two lots. The proposed lots will be 18.57 Acres and 67+/- Acres. The property is located at 566 Unity Road in the Rural (R) Zoning District.

Chairman Burnham opened Case 2019-SDFP-001. Mr. Kibbey made a motion *to accept the application as complete*. It was seconded by Mr. Spaulding, Sr. Chairman Burnham called for a vote on the motion. *The motion passed 5-0-0.*

He acknowledged Mr. Clayton Platt, agent for ZCMJ Realty. Using a site plan as a reference, Mr. Platt explained to the Board what the applicant wished to do.

After a brief explanation of the proposed plans, Board member Mr. Spaulding, Sr. addressed Ms. Emerson and stated that in the Administrative Review, there was a pole barn. She agreed. She stated that no new development would be done on the property at this time.

Chairman Burnham asked Mr. Platt if they were requesting a waiver of a full boundary survey at this time. He stated yes.

Mr. Spaulding, Sr. asked, for confirmation, if Mr. Platt had surveyed the proposed lot of eighteen acres. He was told yes.

Chairman Burnham opened questions to the public.

Ms. Carruth asked Mr. Platt what he was annexing the land from.

Mr. Platt explained the applicant was dividing the parcel into two lots.  
Ms. Carruth thanked Mr. Platt for his explanation.

Mr. John Lunn, NCTV, asked the public present to use the microphone available.  
He wanted to ensure good sound quality with the large number of people in attendance.

There were no further questions from the Board members.

Mr. Merrow made a motion *to accept Case 2019-SDFP-001 with the waiver as complete*. It was seconded by Mr. Hooper. Chairman Burnham called for a vote on the motion. *The motion passed 5-0-0*.

Chairman Burnham, Mr. Merrow, Mr. Hooper, Mr. Spaulding, Sr. and Mr. Kibbey signed the Mylar.  
Chairman Burnham signed the Notice of Decision.

**2019-ANFP--002: United Construction Corp. (Owner) Clayton Platt (Agent)** request final review of a .51 acre annexation from the property identified as Map 217 Lot 29-1 to Map 217-29 and is located on Bald Mountain Rd in the Industrial (I) Zoning District.

Chairman Burnham opened Case 2019-ANFP-002. Chairman Burnham stated there were no comments or objections from the Town Department Heads.

Chairman Burnham asked for a motion to accept the application as complete. Mr. Merrow made a motion *to accept the application for Case 2019-ANFP-002 as complete*. It was seconded by Mr. Hooper. Chairman Burnham called for a vote on the motion. *The motion passed 5-0-0*.

He acknowledged Mr. Clayton Platt, agent for United Construction Corp. Using a site plan as a reference, he explained to the Board the history of the lot in the Flagstone Industrial Park. The applicant has found a buyer for the lot, the buyer wanted to purchase one acre of land.

Chairman Burnham asked about utilities and the need to develop the land and road for industrial use. Mr. Platt explained everything had already been previously approved by the Board and was in place.

Mr. Platt was not asking for any waivers.

Mr. Spaulding, Sr. informed Chairman Burnham that the applicant did not need a waiver for an annexation.

Chairman Burnham asked if any member of the public would like to speak.

Mrs. Mary Schissel asked if the land was part of the Flagstone Industrial Park. She was told yes. For clarification, she asked Mr. Platt if the infrastructure needed for industrial and commercial development was in the Park, which the Town had put in with CBDG grant money; taxpayer money. She was told yes.

There were no further questions.

Mr. Merrow made a motion *to approve Case 2019-ANFP-002 as presented*. It was seconded by Mr. Kibbey. Chairman Burnham called for a vote on the motion. *The motion passed 5-0-0*.

The Planning Board members in attendance signed the Mylar and the three original site plans for Case 2019-ANFP-002. Chairman Burnham signed the two Notices of Decision for Case 2019-ANFP-002.

**CONTINUED BUSINESS: North Newport Industrial Zone (NNIZ) discussion**

Chairman Burnham addressed the public in attendance and stated that he had received a letter from Mrs. Linda Morrow. He read aloud her letter (in opposition to the proposed new zoning) into the record.

Chairman Burnham addressed the Board members and asked if there was anyone who wanted to speak on the agenda item.

Ms. Emerson addressed Chairman Burnham and stated she wanted to relay some information from BOS Chairman Jeff Kessler. In order for anyone to build on the North Newport Route 10, Eversource would need to spend \$500,000 to upgrade their system. Even if a couple more residential houses were proposed, they would have to spend ½ million dollars to upgrade the system. There was no way there would be an electricity upgrade of that kind for North Newport.

Chairman Burnham addressed Ms. Emerson and stated that unless the Town got a big company to come in to build and put in the electrical power there would be no building up there at all. Ms. Emerson stated he was correct.

She continued, saying that the Town had had conversations with developers and the possibility of them coming in and having to install their own power was a “turn off” to them. The developers would be ½ million dollars in the hole before they started building in that Newport area.

Mr. Merrow addressed Ms. Emerson and asked how he should interpret the message from the Board. Is the Board in support of the proposed zoning, or not in support of the proposed zoning?

Mr. Hooper (BOS Representative) stated it was a message from Mr. Kessler, not from the Board. Continuing, he stated that that (\$500,000) was information from current projects we (the Town) are undergoing with the solar array and wells in North Newport. He further explained his thoughts to the Board, and stated there has not been discussion by the Board members concerning the zoning ordinance either pro or con.

Mr. Spaulding, Sr. stated that the original solar plan has been stopped; a smaller version of the original plan is now in the works.

Mr. Merrow said that the Town voted for the solar project ten months ago. He stated his opinion as a taxpayer, of the apathy of the Board to get the (solar) job done. Mr. Merrow expressed his feelings on the progress and lack of updates on the solar project. Mr. Hooper clarified that there had been many updates.

Mr. Merrow stated that his point was that one of the reasons the NNIZ proposal came to the Planning Board was because the Board of Selectmen had asked them to look into and to do it. Now the Planning Board is being told by the Chairman of the BOS that there will not be enough power to support industrial or commercial development.

Mr. Spaulding, Sr. was acknowledged. He read aloud from the minutes of October 21, 2019:

Mr. Spaulding, Sr. then addressed Chairman Kessler and stated that the Planning Board had held a Public Hearing on October 8, 2019 concerning a proposal to change the land on Route 10 North, north of Allen Street, encompassing the airport and north to the Croydon line into an Industrial Zoning District. There was a very good attendance at the meeting.

There was a lengthy discussion between the Board and Mr. Spaulding, Sr. concerning the proposed Industrial Zoning District and efforts that the Planning Board could make in encouraging the utilization of current, underdeveloped Industrial Zones and extending the Commercial Zoned Districts in Newport.

Chairman Kessler stated that it was his opinion that the northern entrance (Route 10) into Town, especially this time of year, was very pretty. To have it developed for industrial uses would detract from the overall appearance of the Town.

There was more discussion on the proposed zoning change and where the Planning Board should focus.

Mr. Merrow stated he was not aware of the exchange.

Mr. Spaulding, Sr. stated that his (Kessler's) motivation for the rezoning was the Family Dollar Store application being turned down by the ZBA. Continuing, Mr. Spaulding, Sr. stated that Mr. Kessler's vision was closer to Town, rather than further away. Mr. Kessler has clarified any misunderstanding.

There was a discussion among the Board on the reason the Family Dollar Store application was denied.

Chairman Burnham stated that trying to bring business into Newport does not bid well to people that develop industrial areas. If the Town wants anything of any size to come in, they don't want to be constricted by the middle of Town.

Mr. Merrow stated that at the October 8, 2019 meeting it was stated that any company would have to extend water and sewer to the area. The Planning Board has now found out they would also have to extend the electrical service. It would be cost prohibitive.

There was a discussion among the Board on potential companies and employees that would be able to build out on NNIZ as well as potential variances which could be made available.

Mr. Spaulding, Sr. stated that the wording, Industrial Zone, has brought out many residents in opposition of the proposal. The Rural/Commercial (RC) Zone in Kelleyville did not create opposition, and it has helped Newport. Mr. Spaulding, Sr. addressed the public in attendance and gave his opinion as to how the RC Zone has helped the Town of Newport. He asked them if the Planning Board had used the wrong phrasing or connotation of ideas for North Newport.

Mr. Hooper said that his original reaction to the NNIZ was no; as the plans have evolved he has gotten input from residents who were against the proposal. He stated he was supposed to be looking out for the prudential affairs of the Town. How could he tell a small business that wanted to put in a store on the flat that they couldn't invest millions of dollars into Newport? Mr. Hooper said he concurred with Mr. Spaulding, Sr. that if it went to Town Meeting he did not believe the Planning Board had the backing to pass the proposed ordinance.

Mr. Merrow stated he agreed with Mr. Hooper. There are some properties around the airport that should be looked at for future development. He spoke of the commercial buildings on the airport and the mixed feelings he had. He is upset with the mission that the Board of Selectmen gave the Planning Board. The Board spent a lot of time on it, have had to listen to public input and this is not the first time. Mr. Merrow said he has an issue with the lack of communication between the Boards; he will speak to them about it.

After expressing his frustrations further, Mr. Merrow stated he could not vote for the proposed rezoning, either.

Chairman Burnham stated that when they changed the zoning in Kelleyville it was called the Kelleyville Village District. The Board members discussed the rezoning through the area of Route 103 west to Claremont, other areas in Town and the fact that a new tax base was needed to support the Town.

Chairman Burnham explained his vision of a company coming in to a rural zoning district.

Chairman Burnham opened the discussion to the public.

Mrs. Mary Schissel addressed the Planning Board and stated she had a petition objecting to the rezoning of North Newport corridor to Industrial or Rural/Commercial. She read aloud the petition to the Board members, stated there were 174 signatures of Newport residents.

Mrs. Schissel stated that she found very few people in agreement with the rezoning. Most were very happy to sign the petition against the proposed rezoning. She gave the petitions to the Chairman of the Planning Board.

Mrs. Schissel stated that as Mrs. Morrow had written, the Master Plan of 2012 was beautifully done. She said that she appreciated all the work that the Planning Board did and that the Master Plan was a major undertaking and well thought out. She would like to see it followed. It doesn't incorporate the proposed ordinance at all.

She then spoke on the ash landfill located in a Rural/Commercial zoning district in the Town of Newport, explaining that the Town needed to be careful about what it opens up and allows in the community. She asked that the Planning Board listen to the people (in the petition) who have spoken against the rezoning. She thanked the Board.

Dr. Larry Schissel addressed the Planning Board and read aloud a letter he had written in opposition to the NNIZ rezoning into the record. He then gave it to Chairman Burnham for filing.

Mrs. Margot Estabrook addressed the Board members and asked, for clarification, how much land is currently unused in the Flagstone Industrial Park as well as on the Kelleyville Road. She was told that in the Flagstone Industrial Park there were thirty four acres. Ms. Emerson stated she would have to do some calculating to find out the number of acres/properties that were currently not used on Rte. 103 West.

Mrs. Estabrook stated that she understood that a "split ball bearing" company might want to locate in North Newport, but there were plenty of other spaces that were available for such a company to locate. The Town of Newport already had the property for location in Newport; we don't have to add to it at this time.

She thanked the Board.

Mr. John Lunn concurred with Dr. and Mrs. Schissel, Mrs. Estabrook and Mrs. Morrow (letter). He stated that the North Newport spot, at this time is not called for. He did not believe that every acre of land in Newport needed to be made available to potential industry. Reiterating, Mr. Lunn stated that he concurred with what has been said by the public present.

Chairman Burnham addressed the public present and stated that they had to remember that if a split ball bearing company went into Flagstone Park and employed two hundred people that would be two hundred cars, two trips a day by all of the schools. He asked them if that high volume was what they wanted to have in the middle of the town.

Continuing, he stated the use of properties by the Town and subsequent loss of tax revenue and comparison of what other cities or towns have done.

Joan Carruth addressed the Planning Board and stated she was having a difficult time envisioning where the Planning Board is going to put these potential companies. From Parlin Field to the Croydon line the road is surrounded by wetlands or ridge. The only flat land without wetlands or ridge in that area is in Croydon.

Using a topographical map, Chairman Burnham explained the Boards thinking as well as the difficulties they knew they would be encountering in building. The Planning Board could not restrict certain lots; that was called spot zoning and it was not allowed.

The Chairman was asked what the total acreage of the usable parcels was. Chairman Burnham stated after removing land that was the protective radius of the well and the wetlands that were there was room for building. He was asked the total number of developable acres. Chairman Burnham did not know.

Various other residents expressed their opposition to the proposed zoning.

Mr. Lunn stated that the thought of large trucks going through Town is not Rural/Commercial, it is Industrial. The potential of two hundred employees and tractor tailors is major industrial. The Planning Board Chair was asked if they were talking Rural/Commercial or Industrial.

Chairman Burnham spoke on the lack of stores in downtown Newport. He said they had to think ahead.

Mr. Spaulding, Sr. commented that there were only two of the three bridge builders at the meeting (Estabrook and Schissel). He then listed one company that had left Newport to go to Croydon and the several businesses that have been established there (Croydon) because they could.

Mrs. Schissel stated she wanted to reinforce the Master Plan of 2012 and read aloud excerpts from it which stated that the Rural/ Commercial District of Route 103 west was best suited for the development of Newport. Mrs. Schissel stated that the Town of Newport had a roadmap (Master Plan) and they should use it. She reiterated that there was no need to rezone the North Newport corridor.

Mr. Merrow gave the audience a rough estimate of usable acreage in the proposed NNIZ (500).

Mr. Tony Timbrell stated that Mr. Cody Morrison was working to fill the empty storefronts in Town. He asked Ms. Emerson if she could speak about that.

Ms. Emerson stated there are currently nine commercial properties for sale (private). Mr. Morrison has been meeting with developers and working on tax incentives for businesses to come to Newport.

Mr. Spaulding, Sr. addressed Mrs. Schissel and stated that the R/C district in Kelleyville does not have Town water or sewer; but it does have power.

Chairman Burnham addressed the public and asked if they had anything to add.

Mr. Tony Timbrell addressed Chairman Burnham and asked what it would take for the Board to table the proposal to the future when all aspects of the decision can be looked at. He was told it would be a decision by the Board to table now.

Chairman Burnham acknowledged Mr. Merrow. Mr. Merrow stated that he would make a motion ***to table the proposal until the Master Plan is further updated.*** Mr. Spaulding, Sr. seconded the motion.

Mr. Hooper concurred with the motion. He stated the Planning Board was still in its discussion phase of the proposal.

Finance Director Brown asked the Board to specify (for the record) the length of time for tabling: to the next meeting, after Town Meeting 2020, etc.

Mr. Spaulding, Sr. stated he would amend the motion to reconsider the proposed NNIZ with the target date to be decided in the future.

The Board ensured the public present that by law, they would be notified of a future hearing. There was a discussion among the Board members whether to drop the proposal. Finance Director Brown suggested tabling the discussion until after the 2020 Town Meeting.

Mr. Merrow made a motion ***to table the proposed NNIZ until after the 2020 Town Meeting.*** It was seconded by Mr. Spaulding, Sr. ***The motion passed 5-0-0.***

Mrs. Morrow addressed the Board members and stated that even if they lose the NNIZ it has not been a loss. They (residents in North Newport) have all learned a lot going through the process.

Chairman Burnham thanked everyone for coming to the meeting. He wished people would go to other Planning Board meetings when there were important issues. He told the public where they could find the agendas for the Planning Board posted.

## **MINUTES: April 9, 2019, July 9, 2019, August 13, 2019 & October 8, 2019**

### April 9, 2019

Chairman Burnham asked for a motion to approve the minutes stating there was a meeting held (no quorum) on April 9, 2019 Planning Board meeting. On a motion by Mr. Spaulding, Sr. seconded by Mr. Merrow; ***the Board voted to approve the minutes of the April 9, 2019 meeting. The motion passed 5-0-0.***

### July 9, 2019

Chairman Burnham asked for a motion to approve the minutes of the July 9, 2019 Planning Board meeting. There was a discussion on the corrections to be made. Under MEMBERS PRESENT: the minutes state Mr. Spaulding was in attendance; he was late. Mr. Spaulding asked that for clarification the minute's state that he arrived on page 2 halfway down (after the completion of Case #2017-SPFP-004). "Mr. Spaulding, Sr. arrived at the meeting" Chairman Burnham agreed.

Mr. Spaulding, Sr. made a motion ***to approve the minutes with the following corrections:***

- 1. For clarification the minutes will state on page 2 halfway down (after the completion of Case #2017-SPFP-004) that he arrived late. "Mr. Spaulding, Sr. arrived at the meeting"***
- 2. Mr. Spaulding, Sr. had no vote on the first case (is stated as unanimous).***
- 3. Page two, under general discussion: 2<sup>nd</sup> sentence: "Mr. Spaulding is requesting this lot size to contain the cell tower within the lot"***

It was seconded by Mr. Merrow. ***The motion passed 5-0-0.***

### August 13, 2019

Chairman Burnham asked for a motion to approve the minutes of the August 13, 2019 Planning Board meeting.

Mr. Spaulding, Sr. made a motion *to approve the minutes of the August 13, 2019 meeting with the following corrections:*

*Page two under CONTINUED BUSINESS:*

- 1) Change Kelleyville District to Rural Commercial District.*
- 2) Total value of every property in the zone should read: "the total value of every property with frontage on 11/103 in the zone"*
- 3) 8.4 million dollars should be "8.0 million"*
- 4) 5.6 million should be "6.3 million"*

It was seconded by Mr. Merrow. *the Board voted to approve the amended minutes. The motion passed 5-0-0.*

October 8, 2019

Chairman Burnham asked for a motion to approve the minutes of the October 8, 2019 Planning Board meeting. On a motion by Mr. Merrow, seconded by Mr. Spaulding; *The Board voted to approve the minutes of the October 8, 2019 meeting as presented. The motion passed 4-0-1(Kibbey abstained).*

#### **ADMINISTRATION:**

Finance Director Brown addressed the Planning Board and explained that the Town would like to purchase two parcels of land (Ruger property that is currently on the market). At the 2017 Town Meeting the Town was given authorization to acquire land outside of the Town Meeting process. The process requires the Town to go to the Planning Board and the Conservation Commission for review and recommendation. It is up to the BOS to hold two public hearings after approaching the Boards before they take action on it. Finance Director Brown stated he was thus taking it to the Planning Board (12.10.2019) for their consideration.

Finance Director Brown stated that the two parcels were: the triangle property at the airport that was created when the road was moved and the parcel on the corner of Corbin Road/ Rte. 10 North.

Finance Director Brown explained the Town would like to purchase the Corbin Road/ Route 10 North property because they were in the process of developing a well for future Town water. If it was not purchased, the Town would have to acquire an easement over the some of the property. The Town felt it would be best to buy the parcel than to worry about an easement and what might be built on the property. If purchased there are no plans for it other than to be a protective zone for the well.

There was a discussion between Mr. Spaulding, Sr. and Finance Director Brown about the pros and cons of purchasing the land.

Total purchase price was \$35,000 appraised value was \$43,000.

Tax income was \$38.00 on Lot 10.

Mr. Ray Kibbey addressed Finance Director Brown and stated that the Planning Board had been told there was not enough energy for North Newport expansion. What will power the well? Finance Director Brown stated that it is a future site. There is power on North Main Street. The well will not use three phase power.

There was a lengthy discussion on the easements, potential use of the lands and any potential building on the sites. There was also additional discussion on the need to purchase the land. Finance Director Brown stressed it was opportunity and security to protect our quality public water source.

Mr. Kibbey recommended the following purchase: yes on lot 7, no on lot 10.

Mr. Spaulding moved yes on lot 7, no on lot 10.

Finance Director Brown reminded the Board their input was for review and recommendation, not a vote.

There was a discussion between the Board members and Finance Director Brown on the wording and the future use of the two lots.

Mr. Spaulding asked if his motion died for lack of a second.

Mr. Merrow stated that if the Town bought the two lots, he would like the direction to be to purchase lot 10, subdivide what they need and sell the rest. He did not want the lot to be used as an area to store Town equipment. Chairman Burnham asked if their recommendation would be to purchase it and to use it for green space and buildings ancillary to the well.

Mr. Spaulding made the motion *to recommend the Town to purchase lot 7 but not lot 10. The Town can acquire an easement for lot 10.* Mr. Kibbey seconded the motion. *The motion failed 2-3-0* (Hooper, Merrow and Burnham voted no).

Mr. Merrow made the motion *to recommend that the Town purchase Lot 7 and Lot 10 with the following stipulations:*

- a) *Lot 10 is for water use only (related to the well)*
- b) *The Town could take the land needed for the well on Lot 10 and subdivide the rest for private sale.*

In discussion, Finance Director Brown stated that the BOS will read their recommendation and do what they believe is in the best interests of the Town.

Mr. Spaulding, Sr. objected to the process and expressed it to Finance Director Brown. Mr. Hooper spoke to Mr. Spaulding, Sr. and stated the political process as has been witnessed at the December 10, 2019 meeting.

Mr. Merrow asked that the motion be reread:

Mr. Merrow made the motion *to recommend that the Town purchase Lot 7 and Lot 10 with the following stipulations:*

- a) *Lot 10 is for water use only (related to the well) or*
- b) *The Town could take the land needed for the well on Lot 10 and subdivide the rest for private sale.*

Mr. Spaulding seconded the motion. Chairman Burnham called for a vote. *The motion passed 3-2-0* (Spaulding and Kibbey voted no).

Finance Director Brown stated a second matter for consideration by the Board. He handed out a list of projects that will cost over \$50,000. Reading aloud from a packet (copies were given to Board members) he explained that the projects were in their purview as CIP items. Town funding needed for the projects would go to Town Meeting for a vote.

There was a lengthy discussion on the CIP packet, the prices and item ranking.

The Planning Board members *agreed that Mr. Spaulding Sr. would continue to be the Planning Board representative for the CIP Board.*

## **COMMUNICATIONS:**

BOARD: Mr. Merrow asked Ms. Emerson what would be happening in the TOPAZ office. She stated that her last day was December 18, 2019. Steve would be attending the Planning Board meetings. He would be in the office on Tuesdays.

Mr. Spaulding, Sr. made a motion *to not accept her resignation*. It was seconded by Mr. Merrow *and passed unanimously*.

Mr. Spaulding, Sr. said it was very sad. Ms. Emerson has done a wonderful job. If there was (a grade) above an A+; you did it. I don't know how we will find a person like that.

On a motion by Mr. Kibbey, seconded by Mr. Merrow; *the Board adjourned at 8:45 p.m. The motion passed 5-0-0.*

Respectfully submitted,

Maura Stetson  
Scribe

Approved on: January XX, 2020