

**Zoning Board of Adjustment
May 21, 2020 6:30 PM
Board of Selectmen's Room/Municipal Building
15 Sunapee Street/Newport, NH**

PRESENT in BOS Room: Jeffrey Kessler, BOS Representative; Scott McCoy, Alternate; Tim Beard

PRESENT via ZOOM: Melissa Saccento, Chairman

ABSENT MEMBER: Ben Nelson, Vice Chairman

VIDEOGRAPHER via ZOOM: John Lunn NCTV

STAFF PRESENT: Christina Donovan, Zoning Administrator (BOS Room)

COMMUNITY MEMBERS PRESENT: none

OTHERS PRESENT: via ZOOM: Tim

CALL TO ORDER: Chairman Saccento called the meeting of the ZBA to order at 6:33 p.m. Chairman Saccento introduced herself and appointed Mr. Jeffrey Kessler as Acting Chair for the duration of the May 21, 2020 meeting. She then introduced the sitting Board members.

Acting Chair Kessler began with a roll call of members present. He then stated that per Governor's Executive Order #12 the meeting would be held via ZOOM and in person. He stated there should be a phone number for individuals to call to virtually join the meeting. The contact information is posted on the town website. Ms. Saccento read aloud the contact information. Telephone number: 253-215-8782. The password to the ZBA meeting is: 007518.

Acting Chair Kessler stated that if people could not connect with the given phone and password numbers, they are to call Finance Director Paul Brown at 863-1360 or email Finance Director Brown at: pbrown@newportnh.gov. If people are unable to connect to the meeting, the meeting will be adjourned and be continued to another time.

Continuing, Acting Chair Kessler stated the safeguards are all a part of the Governor's Executive Order #12. It is important that meetings are held correctly in case there are any questions or complaints. Acting Chair Kessler stated that all votes will be taken by roll call.

Mr. John Lunn, NCTV, asked for the contact information for the meeting. He did not have the password to post on the TV. Ms. Saccento provided him with the information.

ADMINISTRATION: none

MINUTES: February 20, 2020

February 20, 2020

There not being a quorum from the February 20, 2020 meeting; on a motion by Mr. McCoy, seconded by Mr. Beard; *the Board voted by roll call to table the ZBA minutes of the February 20, 2020 meeting. The motion passed 4-0-0.*

Cases were heard out of order.

NEW BUSINESS:

Case #1090: Avanru Development Group/ Jack Franks (owner): request a Special Exception as provided for in Article II, Section 210.2 of the Zoning Ordinance to permit Multi Unit Housing. The property is identified as Map 115 Lot 002 and located at Spring Street in the Heavy Commercial (B2) Zoning District.

Acting Chair Kessler opened Case #1090.

Mr. Jack Franks, applicant, stated that his company was out of Walpole, NH. They were requesting a Special Exception to build 42 units for workforce housing on the Spring Street site. This would provide more housing to the area and state. Avanru Development Group builds workforce housing, senior housing and veterans housing. Workforce housing is for areas with manufacturing such as Newport.

He explained the importance of having quality housing for those in the workforce, the fact that NH had a less than 1% vacancy rate in their rental housing units. The Governor has stated that there is a need for 25,000 units statewide.

Mr. Franks explained workforce housing to the ZBA members, who is eligible to rent the units, the management company for Avanru Development Group, the modern look of the building, the investors behind the project and the relationship with state programs to ensure quality housing for today into the future.

His company is:

1. The first to use modular technology
2. Most energy efficient modular homes
3. Has all units ADA accessible

Mr. Franks met with the Newport Director of Public Works and discussed having two ingresses/egresses. He spoke briefly with the Fire Chief. He asked if there were questions from the Board.

Ms. Saccento asked if there would be market rate units in the building.

Mr. Franks said there would be a total of 42 units; 24 one bedroom units and 18 two bedroom units. He listed the amenities in each unit. Mr. Franks said there would not be any market rates in the building. They would all be workforce housing units.

Ms. Saccento asked if he would be keeping the trees where he was not building on the property. Mr. Franks gave the company's tentative plans for part of the wooded area.

Mr. McCoy asked, for clarification, that the company's definition of workforce housing was income based \$12.00-\$25.00/hr. Mr. Franks agreed, stating those were the numbers defined by the State of New Hampshire for workforce housing.

Mr. McCoy questioned if the tenants were working, had an income. He was told yes. Applicants needed to have stable income. Mr. Franks was asked how he guaranteed a stable income from a tenant. Mr. McCoy was told there was a rigorous interview process. Mr. McCoy asked who would manage the building. Mr. Franks stated they hired an onsite management company, Hodges Management out of Concord, NH.

Acting Chair Kessler stated that Newport has had other individuals approach the town looking to build workforce housing. He asked about the tenant's annual median income (AMI); if Mr. Franks could explain what the potential tenants AMI might be.

Mr. Franks stated that tenants in the proposed building would be earning 50% to 60% AMI.

Acting Chair Kessler asked where the funding would come from; if it would be federal guaranteed loans. Mr. Franks stated it would be through the tax credit process through the NH Housing Authority.

Acting Chair Kessler and Mr. Franks discussed the number of years they would be committed to keeping up the property. It had been 99 years. Mr. Franks stated it has changed, he did not know what it is now.

Acting Chair Kessler stressed that developers in the past had told the Town of Newport in detail the strict requirement to ensure that tenants income fall within the stipulated AMI. It is checked annually. Mr. Franks agreed with his statement.

To verify for the Board, Acting Chair Kessler stated that as a developer Mr. Frank's company would not come to Newport, build the affordable housing, get tenants, move on after selling it to another entity and then Newport had a large slum dwelling. Mr. Franks stated that he would be involved; investing his own money in the proposed project and it will be a long term asset, long term goal. Continuing, he said that if he were to sell the property, NH Housing Authority had the same requirements for a new owner and will monitor the project. There are annual inspections by the State of NH (NH Housing Authority).

Acting Chair Kessler asked if the tenants were screened. He was told yes.

Acting Chair Kessler asked if the management company (Hodges Management) was also screened. He was told yes.

Acting Chair Kessler asked if this was "Section 8 Housing". He was told no. The three types of housing on the market were: 1. Section 8; 2. Affordable Housing; 3. Market Rate. Mr. Frank explained all three and explained which type his proposed project would fall under.

Ms. Saccento stated that possibly forty two children could be added to the Newport school system. Mr. Franks stated a development of similar size in Walpole, NH has seven children in the local school system.

Mr. Franks and the ZBA discussed the accessibility to many places in town from this location. Applicant Mr. Tim Hutwelker stated that all units had the capability of being converted to handicap accessibility (ADA).

Ms. Saccento asked for the height of the building. She was told three stories, with air conditioning units on the roof (32 feet). Ms. Saccento asked if the building would be fully visible to the neighbors across the street. She was told that the developers assumed the Planning Board would require a buffer of some type along Spring Street.

Mr. McCoy pointed out the neighborhood, abutters and proposed architecture; the dangers of having the two entrances and two exits on Spring Street, the condition of the streets and sharpness of the turns in the proposed area. Mr. Franks stated that the Newport Department of Public Works stated where they wanted the egress and ingress to be placed.

Ms. Donovan stated that the Fire Chief was adamant on having two egress and ingress on Spring Street.

Acting Chair Kessler stated that abutters could go to the Planning Board meeting and voice their opinions.

Mr. Franks read aloud his application for a special exception into the record.

After further discussion between the ZBA, Mr. Franks and Mr. Hutwelker on the proposed project; Acting Chair Kessler asked for a motion to go into Deliberative Session.

On a motion by Ms. Saccento, seconded by Mr. Beard; ***the Board voted to go into Deliberative Session for Case #1090. The motion passed 4-0-0.***

Zoning Board of Adjustment Special Exception

Acting Chairman Kessler asked for a motion and vote on each Standard.

Standard A

Acting Chair Kessler made a motion that: ***The proposed use will not be detrimental to the overall character of the neighborhood by reason of undue variation from the nature of other uses in the vicinity including design, scale, noise and odor; Standard A has been met.*** The motion was seconded by Ms. Saccento. In discussion Mr. McCoy stated that issue of design and fitting into the neighborhood needed to go to the Planning Board. He stated the proposal does not fit in the neighborhood without a buffer. The Planning Board can add it as a condition to their motion. ***The Board voted by roll call vote 4-0-0.***

Standard B

Acting Chair Kessler made a motion that: ***The proposed use will not be injurious, noxious or offensive or in any way detrimental to the neighborhood. Standard B has been met.*** The motion was seconded by Mr. McCoy. In discussion, Mr. McCoy questioned what was noxious as well as what might be done to “soften” the appearance of the new building and parking lot. Acting Chair Kessler called for a roll call vote. ***The motion passed 4-0-0.***

Standard C

Acting Chair Kessler made the motion that: ***The proposed use will not be contrary to the public health, safety and general welfare by reason of undue traffic congestion or hazards that pose a risk to life and property or be unsanitary or create unhealthful waste disposal or unhealthful conditions. Standard C has been met.*** It was seconded by Ms. Saccento. In discussion, the Board discussed potential increased traffic. Mr. McCoy asked that a recommendation be sent to the Planning Board to have the traffic on Spring St. /Pine St. /Elm Street be reexamined by the Newport Highway Department and Newport Police Department. Mr. McCoy found it hard to believe that forty two (42) units and the potential traffic they would create was okay with the departments. Ms. Donovan explained they had met with the Safety Officer and Public Works Director Todd Cartier concerning this. Acting Chair Kessler stated their concern had been about the driveway access and the number of egress and ingress. Mr. McCoy was concerned about traffic access. A traffic light might need to be installed in the future. He wanted conditions and recommendations included as a part of the motion. Acting Chair Kessler called for a roll call vote. ***The motion passed 4-0-0.***

Acting Chair Kessler asked for a motion on a collective Standard A, B and C for Case #1090. On a motion by Mr. McCoy, seconded by Mr. Beard; ***the Board approved the Special Exception for Case #1090 with the following conditions:***

- 1) Review of Traffic on Spring St/Pine St/ Elm St. by the Newport Highway Department and Newport Police Department.***
- 2) Recommendation to the Planning Board to consider a buffer along Spring Street along the property.***

Acting Chair Kessler called for a roll call vote. ***The motion passed 4-0-0.***

Acting Chair Kessler congratulated the applicant and stated the Notice of Decision for Case #1090 would be ready in five business days.

Case #1088: Judith Joy (Owner) requests a Variance to the terms of Article II, Section 206.5 of the Zoning Ordinance to permit addition of a deck not meeting the required setback. The property is identified as Map 242 Lot 046 and located at 186 East Mountain Road in the Rural (R) Zoning District. Acting Chair Kessler opened the public hearing. There being no applicant at the meeting; on a motion by Mr. McCoy, seconded by Ms. Saccento; ***the ZBA voted by roll call vote to continue Case #1089 to the June 2020 meeting. The motion passed 4-0-0.***

Case #1089: Jauntessa Ash (Owner) request a Special Exception as provided for in Article III, Section 306 of the Zoning Ordinance to permit a day care facility. The property is identified as Map 220 Lot 055 and located at 43 Satterlee Road in the Rural (R) Zoning District.

Acting Chair Kessler opened the public hearing. There being no applicant at the meeting; on a motion by Mr. Beard, seconded by Mr. McCoy; ***the ZBA voted by roll call vote to continue Case #1089 to the June 2020 meeting. The motion passed 4-0-0.***

There being no further business, on a motion by Mr. McCoy, seconded by Mr. Beard; ***the Board voted by roll call vote to adjourn at 8:16 p.m. The motion passed 4-0-0.***

Respectfully submitted,

Maura Stetson
Scribe

Approved June XX, 2020

DRAFT