Joint Meeting

Minutes, Thursday, February 10, 2022

Call to Order: Chair Jane Hislop called the February 10, 2022, meeting

at 6:30 PM.

Present: Vice-Chair Derick Willson; Andrew Meigs; Laura Rogers; Alternate

and Recording Secretary, Jane Kendall;

Planning Board members: Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Russ Cooke; Ben Johnson; Jim Weiner and Peter Welch; Alternate Board members, Rick Stern; Board of Selectmen's Representative, Bob Blonigan; Town

Planner, John Krebs

Absent: Conservation Commission Alternate, Bill Murray; Benjamin Higgins

Public Guests: Luke Hurley from Gove Environmental, Jeff Hyland with Ironwood

Landscape Design; Steve Haight, P.E., and Joe Griffin with

CivilWorks; John Ricci with Ricci Construction; Moe Erol and Peter Beauregard with Stoneface Brewery; Roger Bionne and Jerry Forton with Stantec Engineering; Tim Newsom from New Hampshire Department of Transportation; Town engineering consultant, Eric Weinrieb, Principal P.E. with Altus Engineering;

Lulu Pickering;

1) **NHDES Wetlands Application:** Review of NHDES Dredge and Fill Permit for Stoneface Brewery, Tax Map 13, Lot 5A

Chair Hislop asked if the application was a request due to the entrance, and Steve Haight, P.E. with CivilWorks Engineering replied that it was from stormwater management.

Vice-Chair Willson asked about material being removed from dredging, and Mr. Haight responded that they had listed 230 square feet, and 300 cubic feet of material being removed on the New Hampshire Department of Environmental Services Wetlands Bureau application.

Vice-Chair Willson asked what would happen to the dredged material, and John Ricci with Ricci Construction replied that they might mix the material with loam on the site if it was organic.

Vice-Chair Willson noted that the application said the dredged area had not been checked for contamination. Mr. Haight responded that they hadn't done testing, but an

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Alternation of Terrain Permit (AoT) had been approved for Eversource, the previous owner, then they would be submitting an amended AoT.

Planning Board member, Jim Weiner asked how many yards of soil would be dredged, and Mr. Haight replied that there would be 10 yards in one dump truck.

Mr. Weiner asked how the runoff would be treated from the existing parking lot, and Mr. Haight said currently there was no treatment for the existing auxiliary building now, but they would put in treatment swales to allow water to flow away from the wetlands.

Luke Hurley with Gove Environmental stated that there had been no spills, and this would not be a large dredge and fill area.

Vice-Chair Willson asked if the vegetation being removed was decayed, and Mr. Hurley replied that it was, and that they would regrade the root mass of clean material.

Mr. Weiner wanted to know if salt and runoff from the Spaulding Turnpike and surrounding roads would run toward Great Bay and the Piscataqua River. Mr. Hurley stated that they were required to install silt fencing around the entire wetland, and runoff would go to an overflow area, but there were no streams on the site.

Mr. Haight added that water flowed to the wetland area, and they were required to treat and keep runoff from the building and parking lot on the site

Vice-Chair Willson asked if they had done a survey for sensitive species such as rare turtles. Mr. Haight replied that they were required to file with the New Hampshire Natural Resources Bureau, and Gove Environmental would have reviewed wetlands species also.

Mr. Hurley stated that Gove Environmental had done the wetlands delineation, and soil map, and had never seen anything sensitive species on the site, that was now a flat gravel pad without a lot of habitat.

Chair Hislop asked Mr. Hurley if he had observed any invasive species, and Mr. Hurley replied that purple loosestrife grew along the edges of the site here and there.

Mr. Weiner asked what they would do to improve appearance of the existing auxiliary building. Town Planner, John Krebs said the building would eventually be razed and rebuilt.

Planning Board Vice-Chair Cross commented that the plan had come to the Planning Board and the Conservation Commission after receiving several setback variances from the Zoning Board of Adjustment (ZBA). Vice-Chair Cross went on to say that it was unfortunate because setback widths were typically used for drainage and landscaping. Vice-Chair Cross said the site was surrounded by one of the oldest roads in town, and many of the swales have filled in, and he was concerned that there would be little room for the drainage required for two and three day storm events, let alone a 40-days of flooding that would be needed to absorb runoff from this site, and the abutting property considering the wetland soils, and the change in elevation.

Vice-Chair Cross added that the applicant had not presented a solution, or waiver for the pavement outside of the setback. Mr. Haight responded that those were issues that they would discuss at the Planning Board the following week after they presented their Dredge and Fill request to the Conservation Commission.

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Mr. Krebs announced that there were not enough regular Commission members present for a quorum, so Chair Hislop appointed Alternate Commissioner, Jane Kendall as a voting member.

Jane Kendall made a motion to recommend the approval of NHDES Dredge and Fill Permit for Stoneface Brewery, Tax Map 13, Lot 5A. Derick Willson seconded, and all were in favor.

Mr. Krebs commented that the site was long and flat which was problematic in getting storm water to move. Mr. Krebs suggested installing a pipe with runoff into the low value wetland instead of the 10,000-gallon underground storm runoff tank with backup pump that was on the plan, and wanted to know if the Commission would support a recommendation to DES.

Mr. Haight added that the roadside ditch on Shattuck Way that flowed to the existing wetland on the site that had been classified as a low value wetland, but DES had requested treatment for stormwater with a 10,000-gallon underground tank with pumps. Mr. Haight said an alternate solution would be to dig out the small wetland ditch, and create detention before flowing to the existing wetland, but DES said they didn't want dredging in the wetland swale. Mr. Haight said an underground tank would require more dredging, cost, and would be higher maintenance than allowing the natural flow to a detention area near the wetland that was similar to what naturally occurred.

Mr. Haight said they hoped that the Conservation Commission and the Planning Board would approve and recommend the alternate plan to DES.

Joe Griffin with CivilWorks Engineering said three-quarters of an acre of Shattuck Way drained into the roadside ditch, and 350 square feet of treatment swale was designed to treat one acre of the site, and three-quarters of an acre of Shattuck Way. Mr. Griffin said a shallow swale with wetland type grasses allows a maximum time for stormwater to remain before draining to a catch basin, and then to another grass area.

Mr. Haight said the applicant would maintain a pump system, but simpler method was preferred.

Mr. Haight said an acre of Shattuck Way was currently not treated, and a simpler method could treat that plus an additional half acre of the site.

Mr. Haight said a landscape contractor would mow the simpler system, but a pump system would be more maintenance intensive.

Chair Hebert said his feeling was they would want to conserve energy with a gravity flow system and avoid the risk of pumps failing.

Mr. Krebs said he couldn't say for sure if DES would approve a simpler system, but wanted to know if the Commission would be supportive of it.

Vice-Chair Willson said it seemed reasonable.

Jane Kendall moved to that NHDES reconsider the dredge and fill of the minor wetland to allow a simpler gravity drainage system rather than a stormwater pump

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system for Stoneface Brewery's site plan for Tax Map 13, Lot 5A. Derick Willson seconded the motion, and all were in favor.

2) Landscape Review: Review of landscape plan for Stoneface Brewery, Tax Map 13, Lot 5A

Mr. Krebs passed out recommendations on landscaping concerns with red maples and hophornbeam. Jeff Hyland with Ironwood Design Group responded that hornbeams were relatively disease resistant and pest free.

Chair Hislop said she was also concerned with monocultures.

Mr. Hyland said they were also concerned with a balanced design aesthetic, and were trying to avoid looking too eclectic, but they would break up plantings for variety.

Mr. Hyland said there were hydric and gravel soils, and parking lots were difficult areas with heat and salt issues for tree survival, so their trees were all urban and salt tolerant.

Chair Hislop asked about the height of the trees in relations to the light poles. Mr. Hyland said he didn't think it was an issue. Mr. Krebs said the light was 20 feet high, and the trees would eventually grow taller with a big spread that would block the light when they were full grown. Mr. Hyland said it would be difficult to get trees to grow to full size in a parking lot, and the lights were pointing down, and dark sky compliant.

Chair Hislop noted that there had been several droughts, and asked if they were installing irrigation. Mr. Hyland replied that they were not, but they were trying to place sufficient soil under the plantings, and care of the trees would be the responsibility of the contractor for the first three years.

Planning Board Chair Hebert suggested that they consider irrigation now rather than later.

Chair Hebert pointed out that the existing pile of loam on the site was meant to stay on site. Mr. Haight said it would not according to the Town's rules and regulations.

Chair Hebert commented that trees liked to set deep roots, so the deeper the loam, the better.

Mr. Hyland noted that proper planting of mulching of trees was most important for their survival, and low planting of roots, or mulching up to the trunks was what killed many trees.

Chair Hislop asked about the survival rate of Princeton elm, and Mr. Hyland said Princetons were the best of the elms, and he had planted nearly 500 over the last decade, and had had good success.

Commissioner Kendall asked about survival of the red maples. Mr. Hyland said red maples were pretty salt tolerant, and the less tolerant sugar maple would be planted further from the pavement. Mr. Krebs said his research showed red maples to be less drought and salt tolerant, surprised don't want to irrigate.

Mr. Krebs recommended that the applicant revise the plan to mix the species, and add shade trees on either side of the center walkway to mitigate the large sea of asphalt shown on the plan Mr. Hyland agreed and said he would investigate it further.

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Mr. Hyland said hatch line has wetland new England meadow mix that provide some seasonal flowering, and pollinator habitat.

(The applicants and their representatives left at this point in the meeting.)

3) NHDES Wetland Application and presentation of NHDOT's proposed Newington Turnpike Maintenance Facility located at Tax Map 12, Lot 13

Denis Hebert took over chairing this portion of the joint meeting.

Tim Newsom from New Hampshire Department of Transportation (DoT) appeared before the Board and Commission with Roger Bionne and Jerry Forton with Stantec Engineering to present their plans for a new DOT area between Mitchell's Lane and Exit 3 and Woodbury Avenue at the old drive-in theatre site.

Mr. Newsom stated that they had built a new shed in Rochester, and would remove the shed in Dover off Exit 9 once they had completed this project.

Jerry Forton with Stantec Engineering said the 15,000 square foot site would include a bridge maintenance building, a highway maintenance garage with an office on one end, and 11 bays, one of which would be a manual wash bay, a salt shed building, a materials storage building, a spreader hanger building, a fuel island, brine tanks and a generator on the site.

Mr. Forton said it would be a paved site with a secondary gravel drive connecting to Woodbury Avenue, with a paved walking trail connecting Nimble Hill Road and Woodbury Avenue.

Mr. Forton said there would be stormwater treatment and detention areas to capture runoff before it was released to the wetland area.

Mr. Forton said the electric service would come in from the utility pole on Nimble Hill Road, and then run underground.

Mr. Forton said they would run the gas service from the shortest distance from River Road.

Mr. Forton said they were filing an application to connect their sewer from the existing manhole.

Mr. Forton said the City of Portsmouth Water Department did a pressure and flow test last summer, and agreed to connect water service.

Mr. Krebs asked if they would consider flipping the buildings to allow utilities to come in on the same side, and Mr. Forton replied that this was DOT's preference.

Planning Board member, Jim Weiner said he had a number of issues, and asked why land in a small town like Newington was repeatedly being taken by the State, with 40% of the town taken by Pease Air Force Base, now Pease Tradeport with no taxes paid to the Town, the Spaulding Turnpike reconfigured so that it affected the Commercial and Industrial zones, and the City of Portsmouth Water Department putting

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in new water line replacement being done on the Fox Point side instead of on the Durham side.

Mr. Weiner asked why and how this site had been picked and approved.

Mr. Newsom said the decision was made as part of the ten-year plan back in 2005 when the Spaulding Turnpike Expansion project was designed, and approved and vetted by the governor and Executive office the time, after many town meetings, and a public hearing.

Mr. Newsom said this right-of-way was part of the old Spaulding Turnpike, and their 2019 plan showed the project, and the purpose was to allow speedy access to north and south bound traffic.

Mr. Weiner asked if the State ever presented their plan to the Newington Board of Selectmen or the Planning Board. Mr. Forton said there had been a public hearing with the site highlighted.

Roger Bionne with Stantec Engineering added that they were there to talk about the project, and previous meeting discussions were beyond their knowledge.

Chair Hebert said Vice-Chair Cross was part of the advisory committee, but he was not aware that this site would be a laydown area.

Vice-Chair Cross said that Chris Waszczuk was the DOT Commissioner at the time, and the drive-in theatre site was leased as laydown area in 2005. Vice-Chair Cross stated that it was not until 2009 that the State made statement that they planned to put in a maintenance garages. He said it may have been part of plan, but it was guarded, perhaps because that was part of bidding process.

Mr. Newsom said part of the Spaulding Turnpike Expansion project included Newington, and the shed may have evolved.

Chair Hebert said he understood it was not their fault, but the Planning Board would present a letter to the Commissioner explaining their frustrations.

Chair Hebert introduced Lulu Pickering, Chair of the Newington Historic District Commission that wanted to discuss the historic cemetery on the site, and make some comments on the design.

Ms. Pickering said she had never seen this plan, and asked if they were interacting with the Division of Historic Resources.

Mr. Forton said they had just filed their wetland permit, and one of the requirements was that they also file a request for review by the Division of Historic Resources. Mr. Forton said the cemetery was noted on the plan, and the only comment was to create a 25-foot buffer around the cemetery.

Ms. Pickering said she would like the 25-foot buffer to be maintained so it wouldn't fill in with poison ivy, and access would be clear. Mr. Bionne said the area was already thickly grown in.

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Ms. Pickering said she was also concerned with vandalism of their old cemeteries, and wanted to know if there was any way to observe the site, and to obtain access for maintenance from the public walkway.

Mr. Newsom responded that DOT would normally maintain and mow a site.

Mr. Newsom went on to say as for security, public access was required for the walkway, but State Police frequented the fuel station, so vandalism would be discouraged because of their presence, and other DOT traffic. Mr. Newson added that they had talked about security cameras on the building because they had found people went out there to dump old refrigerators.

Mr. Weinrieb asked if they would want a dedicated path to the cemetery. Ms. Pickering said she was afraid a path would invite people, and they wanted the site to be left alone. Mr. Newsom said it was wooded so not very visible.

Planning Board Alternate, Rick Stern said State law says public access was required. Chair Hebert suggested that they could have access without a path. Mr. Stern noted that there was no access through the wetlands, however.

Ms. Pickering said she thought the rules said the property owners were supposed to be contacted when going to cemeteries. Chair Hebert said the law says anyone has a right to go a cemetery.

Ms. Pickering said she didn't see any existing stone walls around the cemetery on the plan, and recommended that they confirm the property boundaries on the site map, and take photos before the project began. Chair Hebert said the State law says stone walls could not be removed.

Vice-Chair Cross said he walked the site in 2005, and hadn't observed the any stone walls on former Butler property, but there was a barbed wire fence on the south side of the Pease access. Vice-Chair Cross added that any stone walls in the back would have been covered over along the Spaulding Turnpike.

Chair Hebert asked Ms. Pickering if she wanted the overgrown vegetation removed, the site refurbished, access to the site, and a fence around the 25-foot buffer. Ms. Pickering asked if they had time to decide, or if they needed an answer right away. Vice-Chair Cross suggested that she discuss it further with the Cemetery Committee. Ms. Pickering said she would appreciate mowing and getting rid of the poison ivy, but wouldn't be in favor a path.

Mr. Weiner commented that he only saw seeding mentioned in the plan, but no tree plantings to disguise the buildings from view. Mr. Forton replied that they usually didn't plant within the right-of-way of the turnpike. Chair Hislop agreed that it would be nice to have some type of vegetation to block sight of the buildings, as required for other projects reviewed in the Town.

Mr. Krebs noted that although they were required to get their AoT and Wetlands Permits from the Department of Environmental Services, and other State permits, it was a unique aspect that the State of New Hampshire was exempt from all local regulations.

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As a result, neither the Planning Board nor the Conservation Commission had any authority to approve or deny the plan, but he did hope that DOT would listen to their comments, and take them under consideration.

Board of Selectmen's representative, Bob Blonigan asked how much water would come off the site, and Mr. Forton stated that all runoff would be mitigated on site, and there would be no increase of runoff at any points.

Mr. Blonigan stated that there was a drainage failure on Shattuck Way, and the Town was concerned that they would add to the system. Mr. Forton said they looked at the natural existing condition of the meadow and wooded area prior to the drive in.

Mr. Weiner noted that DOT was saying they chose to review the pre-existing baseline at a period prior to the drive-in theatre, instead of here and now.

Mr. Weinrieb stated that flooding had been occurring on Shattuck Way since the Spaulding Turnpike expansion, and the Board of Selectmen expressed concern to Adam Chestnut at DOT. Mr. Weinrieb said he heard them say that they were meeting peak of runoff, but the Town should see the drainage calculations because he was still concerned that detaining the runoff would make the runoff significantly worse by delaying the peak rate. Mr. Forton stated that they had included the calculations with their Alteration of Terrain (AoT) application.

Mr. Blonigan asked if the runoff from the wash shed would go into the drainage basin on the east side. Mr. Forton replied that they had drainage on site to the sewer.

Mr. Stern asked if they would have an oil separator in their wash bay, and Mr. Forton replied that they would.

Chair Hebert noted that he saw a tank on the plan, but not a true oil and water separator, and a tank could easily be overcome with no one monitoring it. Chair Hebert said 1950's style grease traps were not with current technology. Mr. Bionne said he didn't have the details, but would he review it further.

Chair Hebert said Federal agencies required real oil and water separators, and the Town's wastewater treatment system would be affected if no one was monitoring their tank, and it failed. Mr. Forton said DOT had procedures they followed, but he could take it under advisement.

Conservation Commission Chair Hislop said she was also concerned with salt going into the wastewater system after being rinsed off from the salters. Chair Hebert agreed that they would also need answers on how salt would affect the system.

Mr. Weinrieb asked where they would wash vehicles in the summer, and Mr. Newsom said they would be washed outside. Mr. Weinrieb noted that the runoff would then go into the storm drain. Chair Hebert said washing vehicles would not be allowed without treatment on Pease, so he didn't see how DES would allow that on this site.

Mr. Weiner said Newington was surrounded by water and tries to do everything they can to protect the environment, and asked if any facilities in the State another

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enclosed facility had to wash their vehicles, and Mr. Newsom replied that he didn't know.

Mr. Weinrieb asked if they would do oil changes on site, and Mr. Newsom said they might change the oil on a lawnmower, but vehicle maintenance was done elsewhere. Mr. Krebs noted that the facility was for truck storage, not maintenance.

Conservation Commission Vice-Chair Willson Vice-Chair Willson asked about diesel or brake fluid leaks going into drainage. Mr. Forton said there were no floor drains in the bridge building, and there was an oil separator in wash shed.

Vice-Chair Willson asked what kinds of hazardous chemicals might be brought to the site, and if spills would be contained. Mr. Forton said they had a separate chemical storage facility.

Vice-Chair Willson asked if any upgrades for other activities would be allowed in the future. Mr. Newsom replied that the site was not big enough to build out for other activities, so this site was specifically for the Bureau of Turnpikes only.

Chair Hebert asked about their plans to contain fuel spills. Mr. Forton said the 15,000-gallon tanks were below ground, and there was a containment pad, with canopy over it, that was permitted by the State for all DOT facilities.

Chair Hebert asked if they would do any painting or welding in the bridge building, and Mr. Newsom said they would only do welding, but no painting.

Conservation Commissioner, Andrew Meigs asked if they would store fertilizers, and Mr. Newsom said they might have small amounts on hand, but not large 50-gallon drums.

Commissioner Meigs asked why they weren't using above ground fuel tanks that wouldn't be at risk of leaking into ground water. Mr. Forton replied that underground tanks required a permit from the State and had to be monitored. Mr. Weinrieb added that there was limited space on the site. Chair Hebert added that underground tanks were also safter.

Commissioner Meigs asked if there was any way to reduce the amount of asphalt. Mr. Forton said they were using the smallest amount to meet truck turning requirements.

Chair Hebert said adding trees to the landscape would help mitigate the heat generated from the asphalt.

Commissioner Meigs said the walking trail didn't appear very attractive, and asked if they might make it more attractive for pedestrians. Mr. Weinrieb added that the Board of Selectmen had been working with DOT to provide a more efficient commuter path, but it would be helpful to have directional signage. Mr. Newsom said DOT made a municipal agreement with Newington 2018 on the bike path.

Chair Hebert noted that the path was gravel and not paved in one section, and recommended that they pave the steep hill for bikers, and plows.

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Mr. Blonigan asked if they were doing anything with the existing gate. Mr. Newsom said they would move the gate aside to allow a clearance for the path.

Vice-Chair Cross asked if fire and police would have access through the gates, and Mr. Newsom said access from Mitchell's Lane would be open their vehicles to come and go.

Vice-Chair Cross asked if local police would have camera security access. Mr. Newsom said security would be funneled through their traffic management center 24/7. Mr. Blonigan added that State police had access to all DOT security cameras.

Vice-Chair Cross suggested that the site would be a good area for fire training, and Mr. Newsom said it sounded like a good idea.

Vice-Chair Cross asked if they would be taking down the existing poles from Mitchell's Lane, and Mr. Forton said he didn't think so.

Vice-Chair Cross asked about their lighting plan, and hours of use. Mr. Forton said most of the lights were on the buildings themselves. Chair Hebert stated that they should point down to be dark sky compliant, and keep the pollution down.

Vice-Chair Cross asked if they would be using solar panels, and Mr. Forton said they would.

Vice-Chair Cross asked if they would be installing electric charging stations, and Mr. Newsom replied that they probably would eventually.

Vice-Chair Cross asked if there was any planned storage for propane, and Mr. Newsom said there would not be any storage for propane.

Vice-Chair Cross asked if the new sewer access would be available for others to connect to up Mitchell's Lane. Mr. Forton said there were multiple stubs off the 8-inch line. Mr. Newsom stated that the line would be on their land and would require easements, though Mr. Stern pointed out that Newington Wastewater Treatment had put the line in, so the Town owned it.

Chair Hebert said he didn't want them to build a new facility with a broken line, so he would want them to scope it first. Mr. Newsom replied that a solid line was part of their specifications. Mr. Forton added that the line was in a concrete sleeve for stability.

Chair Hebert said he had considered sending a letter to Governor Chris Sununu, but decided to send a letter to the DOT Commissioner instead. Mr. Newsom stated that the front office was reviewing the letter, and he didn't have any comments. Chair Hebert commented that Governor Sununu was pushing affordable work force housing, and the Town had an issue was the State purchasing the last available parcel with municipal sewer. Chair Hebert said the old skeet range owned by the State abutted this area, and he knew it had gas and water connections, and although the Pease Tradeport didn't want housing, DOT could still build up the hill on land the State already owned instead of putting the Town in a bad place in zoning workforce housing by using up a significant area.

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Minutes: Andrew Meigs moved to approve the January 14, 2021, Conservation

Commission Minutes. Jane Hislop seconded, and all were in favor.

Andrew Meigs moved to approve the December 9, 2021, Conservation Commission Minutes. Derick Willson seconded, and all were in favor.

Adjournment: Andrew Meigs moved to adjourn the Conservation Commission.

Derick Willson seconded, and the meeting adjourned at 9:24 p.m.

Adjournment: Peter Welch moved to adjourn the Planning Board. Russ Cooke

seconded, and the meeting adjourned at 9:30 p.m.

Next Meeting: Thursday, March 9, 2022

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary