

Town of Newington, NH
Planning Board and
Conservation Commission
Meeting Minutes, Monday, June 14, 2021

- Call to Order:** Chair Denis Hebert called the June 14, 2021 meeting at 7:00 PM upon returning from a site walk.
- Present:** Planning Board Chair, Denis Hebert; Vice-Chair Erika Mantz; Board members: Russell Cooke; Chris Cross; Ben Johnson; Peter Welch; Board of Selectmen's representative Bob Blonigan; Alternates: Rick Stern and Jim Weiner; Town Planner John Krebs and Recording Secretary Jane Kendall
Conservation Commission Chair, Jane Hislop; Vice-Chair Derrick Wilson; Commissioner Jim Tucker and Alternate Jane Kendall
- Absent:** Conservation Commissioner Andrew Meigs and Ann Morton; and Alternates Benjamin Hutchins and Bill Murray
- Public Guests:** Joseph Coronati with Jones and Beach Engineering; Jim Gove with Gove Environmental; Michael Garrepy and Mick Chavari with Nimble Hill Realty Investments, LLC; Town wetlands consultant, Mark West with West Environmental; Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering; Robert "Guy" Young, Jr.; Edna Mosher; Craig Daigle; Gail Klanchesser; Corey Caldwell, P.E. with TFMoran; Michael Dumont, Director of Optical Transmission Systems with TE Subcom; Wm. North Sturtevant, CEO with JSA Architects, and Justin Mason, Engineer with TFMoran

I) Public Hearing: Continuation of Lot Line Adjustment, Conditional Use Permit, and Subdivision application by Nimble Hill Realty Investments, LLC regarding property owned by Randal and Bren Watson located off Nimble Hill Road, Tax Map 6, Lot 1; property owned by Den and Lorraine Cole of 30 Coleman Drive Tax Map 11, Lot 2; property owned by Dean Cole and Dulcie Donn Haas of 30 Coleman Drive, Tax Map 11, Lot 3; property owned by Lucy and Robert "Guy" Young, Jr of 92 Nimble Hill Road Tax Map 12, Lots 4 and 6; and property owned by Robert "Guy" Young, Jr. Of 92 Nimble Hill Road, Tax Map 12, Lot 9.

Chair Hebert informed everyone that this meeting was a continuation from the last Planning Board meeting where the application was accepted as substantially complete.

Chair Hebert stated that the Conservation Commission also met with the applicant on June 10, 2021, and the Board needed to be updated.

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Town Planner, John Krebs stated that there was a discrepancy between the prime wetland maps, and on the ground delineations that needed to be addressed.

Jim Gove with Gove Environmental stated that he flagged and mapped the site, did soil test pits that were observed by Mike Cuomo. Mr. Gove stated that there were two prime wetlands on the site, with one being on the first crossing.

Mr. Gove stated that there were discrepancies in the prime wetlands boundaries when they overlayed their wetlands delineation maps on Newington's tax map, which was not unusual as a result of aerial photo interpretations that were used for by Town wetlands consultant, Mark West of West Environmental to create the tax map that was presented and voted on by the Town for wetland zoning.

Mr. Gove stated that the Department of Environmental Services (DES) has provided an opportunity to challenge prime wetlands boundaries by application, and then they could work with the Town to reach an agreement on wetland boundaries.

Mr. Gove went on to say that he had also considered a 2012 change to the RSA regarding wildlife habitats to require a width of 50 feet, but he said he measured 40 feet from the wetland flags, and only 20 feet to the north. Mr. Gove said if they applied to DES for a wetland boundary dispute, they might be able to come up with a smaller crossing that would cost less for maintenance.

Mr. West said he understood that no wetland boundary would line up perfectly, but DES had told them it was a prime wetland when they were first contacted in November or December 2020, and he didn't think they needed to go through this at that time.

Mr. West went on to say that he still didn't understand the 2012 law that eliminated other prime wetlands that weren't 50' feet wide, and didn't know of any such cases, so he would research it further to see if they could edit the wetlands boundaries.

Mr. Gove agreed that it would not be possible to edit established wetlands boundaries retroactively, but the intent was to allow challenges to prime boundaries, or if a town was contemplating the establishment of new prime boundaries.

Mr. Gove said whatever crossing they used over the channel had to meet DES criteria without any significant impact to the water quality and wildlife habitat functions and values of prime wetlands that were also used for stormwater management and flood control. Mr. Gove stated that a box culvert would meet water quality functions, but a larger arch culvert would meet the wildlife crossing requirements by DES for the prime wetlands crossing, however, the Planning Board raised questions regarding the maintenance costs for the arch.

Mr. Gove went on to say that they should have adjusted the wetlands boundaries earlier when they met with Mr. West as there were other reasons to adjust the wetlands on the site to correct the prime and other wetlands in uplands, and the setbacks.

Mr. Krebs noted that Mr. Gove had reviewed the wetland boundary discrepancies at the previous week's Conservation Commission, and DES informed them that they would need to submit an application to address the discrepancies.

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Mr. West noted that he still had not been asked to do an official wetland boundary review on the ground.

Alternate Planning Board member, Jim Weiner commented that the width allows wildlife crossing, and he was not sure if the Town should take responsibility for allowing them to cut off parts of the prime wetlands to create a development. Mr. Gove responded that DES was saying they needed a larger opening to allow the wildlife crossing to continue, not to accommodate water flow, so the applicant proposed the larger arched bridge, but they would consider other options if the Town would prefer a smaller structure. Mr. Krebs noted that the type of crossing was a question being raised by the Planning Board, and not the applicant.

Chair Hebert commented that it was up to applicant to come before the Board with prepared plans, and it was not clear what the applicant wanted from the Town. Mr. Gove replied that they had plans for a larger arch crossing that DES had approved, but the Planning Board told them that they didn't want a larger structure, and he was concerned with submitting another application to DES that they wouldn't approve.

Mr. Krebs pointed out that the Conservation Commission had statutory obligation to make a recommendation to DES, so the Conservation Commission would need to say whether they did or didn't agree with the prime wetland challenge, and the proposed crossing structure.

Chair Hebert added that the Town's wetlands designation was a joint effort with the Conservation Commission and the Planning Board before it was presented to the town for approval, so he recommended listening to public input, and then work together to reach an agreement.

Mr. Gove said he wanted to present data delineations to DES and the local authority responsible for the initial delineation, which sounded like it would be both the Conservation Commission and the Planning Board.

Alternate Planning Board member, Rick Stern said it sounded like he was asking for a town vote. Chair Hebert said the town voted the wetlands in, but he was not talking about a Town vote now. Mr. Krebs agreed that the requirement would refer to a legislative body if a Town meeting vote was required.

Chair Hislop said she would like some clarification from DES as well. Mr. Krebs asked if they might be interested in having a Conservation Commission and a Planning Board representative meet with a DES representative for a discussion. Mr. Gove said he thought that DES was now open to the public, and he would like to ask for a second preapplication meeting that would include town representatives. Mr. Krebs said he would like to include Mr. West, Chair Hebert and Chair Hislop, or their designees present.

Mr. West wondered if DES would want another site walk. Mr. Krebs said he would like to sit down with DES for a discussion, but they could do both.

Mr. Gove said he had set up a site walk with DES, and then they were told that no one was available two days before the site walk that they had scheduled themselves,

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and then they suggested putting an application in, but he thought they might be willing to attend a meeting.

Mr. Stern asked if changing the delineation would eliminate the prime wetland. Mr. Gove said it wouldn't eliminate it in totality from crossing to the bay. Mr. Krebs said the shape was correct, but off by 30 feet.

Mr. Gove said the problem was that DES and the Planning Board weren't in agreement with the type of crossing. Chair Hebert said he had concerns with the maintenance and replacement costs of a large aluminum arched culvert that may need replacing every 50 years instead of the plastic culverts that only needed replacing every 100-200 years.

Property owner, Guy Young commented that that there was a 16-inch culvert off Coleman Drive 30 feet up that led to the stream channel, and a narrow sleuth at the other end, so he didn't understand the need for a large culvert crossing on an intermittent brook.

Board member, Peter Welch commented that the State had put in an aluminum open bottom culvert elsewhere that he thought was glaring to wildlife.

Mr. Weiner asked about Chair Hebert's comment that there were plastic culvert structures that lasted 100-200 years. Mr. Coronati responded that he had asked the manufacturer how long the aluminum arches last, and was told that they last around 75 years, which is the estimate given most culverts considering that they haven't been around long enough to verify their longevity.

Mr. Weiner commented that fiberglass telephone poles were supposed to last forever, but it turned out that they didn't, so he liked the idea of something that lasts longer, and would disrupt residents less.

Chair Hebert this was an example of why it was important to have Mr. West review each site.

Mr. West commented that his concern that there might be more wash out with a four foot by four-foot smaller structure during larger storm events and flow, than would occur with a bridge.

Chair Hebert said he had observed scouring along the deep channel during the site walk. Property owner, Mr. Young commented that the 16" culvert on one end and sleuth on other end that has always handled the water flow.

Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering also commented to Mr. West's point that the forested area with trees on the slope would be important to include with the design for anti-scouring.

Chair Hislop asked why they were basing their design on a 50-year storm when 100 plus year storms had been occurring. Mr. Coronati replied that different streams were assigned different tiers based on the watershed, and the width of the culvert was based on 50-year standards, which had been increased since the Mother's Day 2005 storm.

Vice-Chair Mantz agreed with Chair Hislop that they needed to hear from DES. Chair Hislop added that they needed to hear what DES's recommendation was for a

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culvert if they reduced a section from the prime wetlands. Mr. Krebs responded that it wouldn't be solely up to DES, as the Planning Board would need to consider if they wanted Mr. Weinrieb to review the need for a four- or six-foot culvert.

Mr. Gove noted that stormwater management plans were reviewed and approved through an Alteration of Terrain (AoT) permit as well as the DES permit so he would see if he could get someone from AoT to attend the next preapplication meeting as well.

Conservation Commission Vice-Chair, Derrick Wilson asked if there were any culverts that lasted longer than the aluminum arch that was estimated to live 50 years. Mr. Coronati said he threw out 50 years, then reached the bridge manufacturer that said they lasted at least 75 years. Mr. Coronati said that said concrete pipes had an expectancy of 75 years as well, and high density polyethylene (HDPE) sometimes lasted up to 100 years. Vice-Chair Wilson commented that the expectancy was based on engineering estimates, and not testing. Mr. Coronati replied that actual life spans varied based on soil and conditions.

Chair Hebert commented that HDPE was tough, and there was no corrosion with plastics. Even the rebar in concrete bridges eventually breaks down bridges and would need to be replaced.

Mr. Weinrieb said the crossing was not perpendicular to the roadway, and sizing needed to be reviewed hydraulically because of skewed alignment. Mr. Weinrieb said the 21-foot arch allowed flow to be within the crossing, and not close to the waterline. Mr. West noted that there were different widths within the 40-foot crossing.

Mr. Weiner said it would be good to know cost of the bridge. Mr. Coronati said that they were quoted a price of \$65,000 for the delivery of the bridge, and another \$75,000 for abutments, not installed, and they would also need geotech under the abutments, and retaining walls. Mr. Krebs suggested that it would probably cost \$200,000 all in.

Board member, Chris Cross suggested that they could mitigate the wetlands crossing by enlarging the downstream wetlands so that there would be the same amount of wetlands on both sides without redesignating the wetlands.

Chair Hebert asked if the applicant would be flexible. Mr. Gove responded that he thought it would be best to go to the preapplication meeting to hear from DES before they made any further decisions.

Mr. Krebs said he would communicate with Chair Hebert and Chair Hislop to coordinate the meeting with Mr. Gove, Mr. West and DES.

Mr. Coronati said he would resubmit plans, and work through comments by July 26, 2021. Chair Hebert said they should meet with DES before scheduling the next meetings.

Mr. Krebs asked the applicant to send a letter requesting an extension of another 65 days beyond the existing date.

Chair Hebert said they would also need to review each lot line for the application.

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Mr. Cross commented that most of the lots were perpendicular, and the road was close to the boundary, and they seemed to be overlooking the peculiarities of this intersection.

Mr. Krebs asked Mr. Young if he would be willing to sell the property to the corner, and Mr. Young said he thought he had given enough in the lot line adjustment.

Erika Mantz moved to continue the public hearing for the Lot Line Adjustment, Conditional Use Permit, and Subdivision application by Nimble Hill Realty Investments, LLC regarding property owned by Randal and Bren Watson located off Nimble Hill Road, Tax Map 6, Lot 1; property owned by Den and Lorraine Cole of 30 Coleman Drive Tax Map 11, Lot 2; property owned by Dean Cole and Dulcie Donn Haas of 30 Coleman Drive, Tax Map 11, Lot 3; property owned by Lucy and Robert "Guy" Young, Jr of 92 Nimble Hill Road Tax Map 12, Lots 4 and 6; and property owned by Robert "Guy" Young, Jr. Of 92 Nimble Hill Road, Tax Map 12, Lot 9 to a date certain of Monday, July 26, 2021, with the condition that the applicant submit a letter requesting an extension for another 65 days. Bob Blonigan seconded the motion.

Mr. Cross said he wanted to continue discussing the plans. Chair Hebert responded that the applicant had already said they needed to extend the review for another 65 days.

Jim Tucker moved to adjourn the Conservation Commission meeting. Derric Wilson seconded the motion, and all were in favor.

(Vice-Chair Hislop, and Mark West left at this point in the meeting).

Mr. Weiner agreed with the extension, and thought that Mr. West should review the wetland delineations before they moved forward.

Vice-Chair Mantz said she also didn't see the point of scheduling another meeting to discuss plans that would be changed. Board members, Russ Cooke, Ben Johnson, and Mr. Welch all agreed.

Chair Hebert noted that there were issues where drainpipes going through the upland area where he thought it would be better to build a home. Mr. Krebs said Mr. Weinrieb and he had both raised those issues in their initial review. Chair Hebert said line of sight issue also needs to be resolved.

Mr. Garrepy suggested that they could be available for a work session, but Chair Hebert expressed concern for breaking the chain of meetings that were announced. Mr. Krebs responded that the applicant could still have a workshop, but Mr. Weinrieb said there would be no benefit until they all met with DES.

Mr. Krebs said he could forward any further questions from Board members to the applicant. Mr. Cross pointed out that the applicant could make changes on his

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questions that someone else might disagree with. Chair Hebert added that he was concerned with keeping this being a public process.

II) Zoning Amendments Discussion

This item was delayed to hear the following item that was not on the agenda.

III) Preliminary Consultation: by TE Subcom regarding an addition to their facility on Piscataqua Drive

Corey Caldwell, P.E. with TFMoran, Mike Dumont, Managing Director of TE Subcom, and Wm. North Sturtevant, CEO with JSA Architects, and Justin Mason, Engineer with TFMoran appeared before the Board to present their preliminary proposal.

Mr. Caldwell stated that they were proposing a three-story, 207'x214', 4,400 square foot steel building addition to be constructed on an existing parking lot on the east side of Piscataqua Drive to store creels where wire is stored on large drums to be loaded on ships.

Mr. Caldwell said they were looking for feedback regarding 112 parking spaces associated with the building, where Section 18 of Site Plan Review required 1 space for 500 feet of manufacturing space. Mr. Caldwell stated that they would fall short of parking spaces if they counted all three floors, but they were only using the third floor for manufacturing, and were using the first and second floors for storage.

Wm. North Sturtevant, Principal of JSA Architects said they would only be adding 6-10 new employees, but would need 267 new parking spaces according to Site Review requirements.

Mr. Caldwell said they would not be removing any vegetation in the 100-foot wetland buffer to the stream that tied to the Piscataqua River, but they wanted to continue a chain-link security fence three feet into the buffer. Mr. Caldwell said the existing fence ran down the edge of the paved drive to the railroad tracks, but fencing was listed as a structure not allowed in wetlands or buffer.

Mr. Caldwell said they were trying to avoid a conditional use permit, variance or trip to the Conservation Commission.

Mr. Welch asked where snow removal would go, and Mr. Caldwell replied that they planned to store snow in the paved area near the water, or the area between the pavement and the front property line.

Mr. Weiner agreed that they would only need 56 extra spaces for the one manufacturing floor, and that the security fence would be necessary.

Mr. Krebs asked if they could consider angled parking that would provide an additional three feet. Mr. Weinrieb commented that angled parking might make the parking lot shorter, but they would still need a turn around, and asked if there was another way to add an additional three feet against the building to avoid placing the

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fence in the buffer. Mr. Caldwell responded that they looked at a way to keep fence out of the wetland buffer, but they couldn't put parking any closer to the building for safety reasons.

Mr. Cross said he thought fences were part of privacy boundaries on property lines in setbacks, and only an issue when they ran perpendicular with wetlands and obstructed wildlife passing. Chair Hebert agreed that a fence crossing the buffer was not a major issue.

Chair Hebert commented that the storage building, and parking looked adequate.

Mr. Krebs said he thought it would be worthwhile to call Newington's Building Inspector, Kevin Kelley regarding the fence.

Chair Hebert asked if there were any concerns from the fire department, and Mr. Caldwell said their only concern was access around the building. Mr. Caldwell said there would be six to eight feet of pavement between the alley. Justin Mason with TFMoran said there would be a fire hydrant in the alley too. Chair Hebert said they would want to be sure hydrant wasn't an impediment to truck. Mr. Krebs said the alley would be too narrow to open the fire truck doors if they went down the alley.

Mr. Sturtevant said there was a drainage swale on the building so there was not a lot of room.

Chair Hebert asked if they had a sprinkle system, and Mr. Caldwell said they would.

Mr. Krebs advised that they schedule a meeting with the building inspector, and the fire chief who might require a letter from the fire safety engineer.

II) Zoning Amendments Discussion

This item was delayed to hear the previous item.

Section 14 – Parking Lot Design Requirements

Mr. Krebs said the Board discussed the language changes under Section 14 at their last meeting. Mr. Welch said suggested that they say that using perious pavement wouldn't be counted toward stormwater management.

Mr. Krebs said they also had a discussion with Town counsel, Attorney John Ratigan to add language in the fall to Site Review Regulations Section D regarding parking limitations for agritourism events.

Mr. Weiner suggested that they add dense evergreen plantings on item #7 for year round screening. Mr. Krebs commented that he wasn't sure what kind of plantings they could require. Mr. Cross suggested that they remove dense, and say landscaping suitable to the Board.

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Peter Welch moved to accept the change changes to Section 14 – Parking Lot Design Requirements. Ben Johnson seconded, and the motion passed 6-0 with Russ Cooke abstained.

IV) Other Business

Chair Hebert reminded the Board that they had to complete the Capital Improvements Plan (CIP) over the summer. Chair Hebert said he talked with Rockingham Planning Commission Director, Tim Roach about having planner, Theresa Walker assist the Board, but he was told they were too busy, so he asked Mr. Krebs if he would accept a separate hourly contract to do the CIP in addition to his current duties.

Mr. Krebs said he has written many CIP's, and would put together a draft contract to have the project wrapped up in September or October before budget season.

Chair Hebert said State law says they can't do impact fees on projects if they don't complete the CIP. Mr. Krebs said the CIP lasts six to ten years.

Chair Hebert and Mr. Krebs said they should get away from departmental dream lists, and just include expenditures that were major expenditures. Chair Hebert said anything outside from the CIP could be brought up as a warrant article.

Mr. Cooke said he thought the CIP should be a list for maintaining and replacing current equipment. Mr. Krebs said cruisers were an example of reoccurring expenses, . Mr. Krebs said a capital expense should be between \$50,000 and \$100,000, noting that the Board of Selectmen might have road projects, or the Sewer Commission might have expenses that they wanted to add.

Mr. Krebs said there would be a meeting with the Board of Selectmen, Highway Department, Sewer Department, and School Board to define and weigh in on capital projects to determine how projects would be funded.

Mr. Weiner said they should rank the priority of important items.

Peter Welch moved to contract Town Planner, John Krebs do Newington's Capital Improvements Plan (CIP) at an hourly rate outside of his regular duties, to be completed by October 2021. Erika Mantz seconded the motion, and all were in favor.

Chair Hebert commented the Board usually likes to take time off before they start working on new Ordinances proposals in the fall.

Minutes: *Peter Welch moved to approve the Minutes for the May 24, 2021 meeting with corrections as noted, Chris Cross seconded the motion, and all were in favor.*

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Adjournment: *Ben Johnson moved to adjourn the meeting. Peter Welch seconded the motion, and the meeting adjourned at 9:20 p.m.*

Next Meeting: Monday, June 28, 2021

**Respectfully
Submitted by:** Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted by the Planning Board at their June 28, 2021 meeting.