

Town of Newington, NH
TECHNICAL REVIEW COMMITTEE
Meeting Minutes, Monday, September 22, 2015

Call to Order: Town Planner, Tom Morgan called the September 22, 2015 meeting to order at 9:00 AM.

Present: Police Chief, John Tretter; Fire Chief, Andrew Head; Assistant Fire Chief, Jeff LaDuke; Highway Department Head, Len Thomas; Consulting Engineer, Eric Weinrieb; Building Inspector, John Stowell; Town Planner, Tom Morgan; Planning Consultant, Jerry Coogan; and Recorder, Jane Kendall

Absent: Wastewater Plant Operator, Denis Messier

Public Guests: Jarrad Savinelli and John Newick; Joe Coronati, Project Manager with Jones and Beech; Planning Board Chair, Denis Hebert

Planning Board Chair, Denis Hebert introduced the first session of the Technical Review Committee that was formed with the intent of improving the Planning Board's review process. Planning consultant, Jerry Coogan said the Committee was an informal, advisory subcommittee of the Planning Board that would not take any votes.

1) Proposal by **Jarrad Savinelli and John Newick** for a 7-lot subdivision at 6 and 34 Fabyan Point Road, Tax Map 47, Lots 5, 6 and 7

Engineer Joe Coronati asked said the applicants were proposing to consolidate three properties and would then subdivide them into seven lots. He said they were planning to build a road to Town standards following Fabyan Point Road. Mr. Joe Coronati, Project Manager with Jones and Beech reviewed the site topography and drainage, stating that there were no wetlands or wetland buffer impacts. He said there were 3-4 houses beyond the proposed site and they would do test pits and provide 4,000 s.f. of reserve area for each lot.

Engineering consultant, Eric Weinrieb asked if the intent would be to have private wells or be on municipal water or wells and Mr. Coronati said the applicants wanted to remain on their wells. Mr. Morgan said anyone was allowed to keep or drill a well but subdivision regulations required that they also lay pipe for municipal water. He encouraged the applicant to meet with the City of Portsmouth Water Department early. Mr. Coronati said he had emailed plans already and copied Mr. Morgan. Town Building Inspector John Stowell asked if a representative of Portsmouth Water Department was going to attend the TRC meetings and Mr. Hebert said he wanted to have the applicant to meet with the committee alone first because there had been friction between Portsmouth and the Town. He expressed concern for wells 40 feet from the road becoming contaminated with salt and expecting the Town to replace them. He said

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there was no guarantee that the Town would take the road over because it would be up to the Board of Selectmen and require a town vote. Mr. Coronati said the current homes on the road were on private wells, but there would be plans to connect to the City of Portsmouth water main. Mr. Weinrieb said it was in the best interest of the Town to extend the water main to the easement should there be problems in the future and Mr. Morgan agreed. Mr. Weinrieb said they wouldn't have to connect to the service, just make it available to the end of the property and the City of Portsmouth would need to approve the layout.

Mr. Weinrieb said he could not tell whether the road service would be adequate for the homes beyond because the residents who would have gone straight through, but would now need to go through a cul-de-sac. Mr. Savinelli asked it would help if the neighbors spoke in favor of the cul-de-sac and Mr. Hebert and Mr. Morgan said it would. Mr. Coronati said the driveway for the existing house at the end of the road was on Mr. John Newick's property so they had an easement and they were proposing to pave their driveway. Mr. Weinrieb said access plans during construction to the abutting properties for fire and police at all times would also need to be made available. Mr. Morgan asked Assistant Fire Chief, Jeff LaDuke if he had any questions and Assistant Chief LaDuke said he just wanted to be sure there was sufficient radius in the cul-de-sac for a turn around and sufficient hydrants. Mr. Coronati replied that the plan was made according to Town regulations.

Mr. Weinrieb said he only received the plans the previous week so he didn't have an exhaustive review, but pointed out that the test pits appeared to intercept the ground water. Mr. Coronati said they could look into putting under drains at the outflows. Mr. Weinrieb also noted that the grading, drain, and utilities were at 60 scale so the plan was busy and not very legible. Mr. Morgan recommended that the plan be split out to be more visible.

Mr. Weinrieb expressed concern with collecting storm water along the road and discharging in two locations instead of sheet flow. Mr. Morgan said he would also like to see the driveway slopes to show where the water flowed. Mr. Coronati replied that would be problematic if the homebuilder wanted to change the driveways. Mr. Morgan said they could make that request, but the Board would still prefer to see them on the plan so there were no surprises.

Highway Department Head, Len Thomas asked how big a drop there was from the road to the homes beyond the property. Mr. Coronati said there could be a 4-foot drop from the cul-de-sac to the existing Fabyan Point Road to improve the current conditions. He said the new road would need to be plowed to the cul-de-sac and the original Fabyan Point Road would need to be replaced with loam and lawn. Mr. Weinrieb asked if they would do a transition and Mr. Coronati said there would be a 30-foot transition to the private extension of Fabyan Point Road.

Mr. Thomas asked where the water from the retention ponds would go and if it would end up at the pond on Hodgson Farm Road. Mr. Coronati said he believed it would because it was at the low point. Mr. Thomas said there was a lot of trouble down there and Mr. Coronati said they had to control the water on their site so that was why they would have retention ponds.

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Mr. Coogan noted that Mr. Coronati had said there were no wetlands and asked if he could provide documentation from a certified wetlands scientist. Mr. Coronati said Gove Environmental did a soil analysis and mostly found ledge, although there were some failing test pits on the lower side of the lots, which might indicate clay soils. Mr. Stowell requested a copy of the test pit report.

Mr. Thomas said he thought there were wetlands at the corners of both lots. Mr. Hebert said corn had been planted on the site years before and it did not do well in wet areas, but wetness had been observed on the lower end so they might need to do something to address the issue. He said there was concern for water shedding on abutters when Hodgson Farm Road was developed years ago so they built berms so perhaps they would need to do something similar. Mr. Weinrieb said he would walk the property. Mr. Morgan said the Planning Board would have their own wetlands scientist walk the site for peer review as well and the bill would be passed on to the applicants.

Mr. Weinrieb asked for an explanation of the landscaped, wooded buffer and gardening easement. Mr. Coronati said the applicant, Mr. Jarrad Savinelli replied that he wanted to retain the right to keep the tree buffer and his current garden area. Town Planner, Tom Morgan said he understood his intent, but the proposed lots would have less than 80,000 square feet and would be perceived as a reduction of available property for other owners.

Mr. Morgan noted that there were front steps in the setback, which would require a variance or moving the road 5 feet. Mr. Savinelli said they were detached cement steps and Mr. Stowell responded that they still needed to comply with regulations. Mr. Coronati replied that the regulations listed detached stairs as being excluded. Mr. Morgan said that was intended for stairs leading down to the water. Chair Hebert said it would benefit everyone to move the road 5 feet. Mr. Weinrieb said the TRC was an advisory board and would need a formally written statement on the building inspector's decision.

Mr. Morgan noted that the lot line on Sheet A1 between Mr. Savinelli and Mr. Newick should follow the stonewall. Mr. Coronati said the existing survey was already that way and Mr. Savinelli added that there was a pin marking the lot line. Mr. Hebert commented that pins sometimes moved and Mr. Morgan suggested they recheck the lot line again. Mr. Stowell commented that the lot numbers were confusing and Mr. Morgan said they were working with the assessor to straighten them out. Mr. Morgan also requested a formal finding from the title search on the ownership of the road. Mr. Coronati said it appeared Mr. John Newick owned one portion of Fabyan Point. Mr. Morgan said the subdivision regulations required specific datum and Mr. Weinrieb agreed that he would want a hard conversion. Mr. Coronati replied that there were problems with the GPS, but that he would provide the datum.

Mr. Hebert asked if the property owners further down the road were in agreement with the project. Mr. Morgan agreed that they would need to establish whether the abutters were on board with the project and Mr. Savinelli replied that the only abutter that was against the project was Mr. Peter Drinkwater. Mr. Morgan said Mr. Drinkwater was displeased that the Town had objected to his previous subdivision proposal and was now considering Mr. Savinelli's plan, but the difference was that Mr. Savinelli was willing to put money on the table for the road.

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Mr. Morgan requested a written estimate on the cost of building the road for the engineering consultant. Mr. Coronati said usually waited in case there were changes, but they would build it like a road contractor. Mr. Weinrieb said he needed the estimate broken down by components such as linear feet, drainage and catch basins for the bonding process.

Mr. Morgan asked what the rationale was for the location of the road's terminus, and Mr. Coronati said there were easements on the road from Mr. Drinkwater so there were no spite strips. Mr. Weinrieb asked if a 50-foot right of way easement for the future extension could be provided. Mr. Morgan said they had to comply with the 50-foot right of way to provide possibility for future extension. Mr. Weinrieb added that the extension should align with the center of the existing road.

Mr. Morgan asked for the status of the subsurface application from the Department of Environmental Services (DES) and Mr. Coronati said it had been submitted a couple of weeks prior. Mr. Morgan said he was looking for the AOT calculation. Mr. Hebert added that they were concerned because the area would be disturbed. Mr. Weinrieb replied that DES considered road construction, but they still needed to stabilize the driveway before construction began. Mr. Coronati replied that was usually stated on the permits and on A1 notes.

Mr. Morgan said Mr. Drinkwater and others might want their section of their road paved in the future so they should consider a contingency plan to be sure the cul-de-sac was not out of place and remove the asphalt and replace the vegetation for the abutters so the Town would not have to maintain it when it was no longer useful. He also said Mr. Drinkwater might want to subdivide his property further once the road came in and there was standard language against multiple cul-de-sacs in Newington's subdivision regulations. Mr. Coronati said New Hampshire Fish and Game owned the abutting property and would restrict them from extending the road further. Mr. Savinelli added that the flow test confirmed that the road would be conducive for existing homes, but he didn't think it would support other homes. Mr. Morgan said the subdivision regulations challenge was to allow for further development, not to block it. Mr. Weinrieb suggested it might be cleaner to give a 75-foot right of way. He went on to point out that they would lose 200 feet of frontage when they made the road, but perhaps they could request an exception from the zoning. Mr. Coronati said mortgages would require frontage and Mr. Morgan replied that they could make an amendment.

Discussion ensued regarding specifications for conduits. Mr. Coronati said the roadway construction specifications required that the electric conduit be 6 feet off the roadway or encased in concrete, but that would put them in the ditch. Mr. Coogan asked if they would be subject to a waiver from the requirement and Mr. Morgan said they could, but they still needed more clarity from the applicant on the setbacks. Mr. Coronati said they wouldn't want to install concrete and asked if they preferred the conduit in the shoulder of the road and Mr. Weinrieb said they probably would. Mr. Hebert expressed concern for what would happen if they installed the conduit near the edge of the road if the road collapsed years after the performance guarantee expired. He said road compaction was in the regulations to prevent that from occurring and the Town would hold the inspectors responsible.

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Mr. Morgan said he would like to know what their plans were for street lights and Mr. Coronati replied that none had been proposed. Mr. Stowell commented that he thought lighting was needed and Mr. Morgan said they should at least consider lighting where on the corner where Fabyan Point turned in from Newington Road to assist turning traffic. Mr. Thomas said the cul-de-sac could be dark and it might be tough on winter plowing. Mr. Savinelli said other homeowners might not want additional street lighting. Mr. Weinrieb replied that they could use smaller ornamental lights, making sure that they were sensitive to the needs of the abutters.

Mr. Morgan asked if there would be any need for additional signs and Mr. Conronati said they would need a stop sign. Mr. Weinrieb wondered if they also needed a dead end and speed limit sign. Mr. Newick said he didn't recall seeing a requirement in the subdivision regulations.

Mr. Morgan asked if there were any plans to landscape the middle of the cul-de-sac or entrance of Fabyan Point Road. Mr. Weinrieb added that the regulations required the planting of shade trees along the road. Mr. Coronati said they could landscape the cul-de-sac, but they wouldn't want to maintain it, knowing that the Town would not want to do the maintenance.

Mr. Morgan said the Town hadn't seen a subdivision this large in some time and the regulations listed a recommendation for developers to set some open space property aside for multi-lot subdivisions. He said there were easements depicted on the site plan, but they would be looking for recordable access, drainage and landscape details for the registry.

Mr. Morgan referred to page 14 of the Subdivision Regulations regarding the arrangements of driveways said in the case of dead-end streets, a 20-foot easement should be provided for bicycle and foot traffic and suggested they reserve a pedestrian easement for the future.

Mr. Hebert informed the applicant that the Planning Board would need to determine the frontage of the lots that abutted both Fabyan Point and Newington Roads. Mr. Coronati said he thought there was adequate frontage on both roads, but wanted to know if they met the correct setbacks. Mr. Morgan said the plan was done correctly.

Mr. Morgan informed Mr. Coronati that he would need to go before the ZBA if they wanted to seek a variance for the steps. Mr. Weinrieb said he didn't think moving the alignment of the road 4 feet would be much more work. Mr. Newick said he thought moving the road would take away significant square footage from the lots and Mr. Coronati agreed that it would because the lots were minimum size and it would take another 2-3 weeks because the road would need to be moved 7 feet because the stairs were sticking out 7 feet. Mr. Weinrieb said they wouldn't need to go before the ZBA if they moved the road, however.

Mr. Newick asked when they could get in to request a variance from the ZBA and Mr. Morgan said the ZBA needed 3-4 weeks to schedule notifications. Mr. Morgan said they might be able to build a case for granting the variance based on the intent of the regulations. Mr. Weinrieb disagreed, saying the intent was ambiguous and it could be said that the applicant was creating his own hardship and end up having to move the road just the same. Mr. Hebert thought the ZBA would probably listen to the building

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inspector's opinion Mr. Savinelli said he had his attorneys interpret the regulations, but he probably should have discussed it with the building inspector first.

Mr. Morgan asked Mr. Coronati when he could revise the plans and Mr. Coronati replied that he could do them in a couple of weeks. Mr. Morgan said the next available Planning Board meeting would be held on October 13, 2015 and the Board would like to see the plans the week before. Mr. Weinrieb said he would like them two weeks before the meetings. Mr. Coronati asked if another TRC meeting would be required and Mr. Coogan said he thought it could be helpful. Mr. Morgan asked the applicant to submit PDF plans as soon as possible to determine if the issues had been addressed, but he didn't think the applicant needed to return to the TRC because the Planning Board could refer to the minutes. Mr. Hebert said he thought they could schedule a public hearing during the first meeting in November. Mr. Morgan said the deadline to notify abutters for the first November 2015 Planning Board meeting would be October 13, 2015.

Mr. Coogan asked the TRC members to fill out a review response sheet and Assistant Fire Chief LaDuke submitted a request for follow-up to ensure that there were sufficient hydrants and that they be tested for water flow.

Adjournment: *The meeting adjourned at 10:37 a.m.*

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary