

**Town of Newington, NH**  
**PLANNING BOARD**

Meeting Minutes, Monday, July 25, 2016

- Call to Order:** Chair Denis Hebert called the July 25, 2016 meeting at 6:30 p.m., followed by the Pledge of Allegiance
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Bernie Christopher; Mark Phillips; Jim Weiner; Alternate Member: Ken Latchaw; Board of Selectmen's Representative, Cosmas Iocovozzi; Interim Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Jack Pare
- Public Guests:** Georgia Pacific Gypsum Plant Manager, Jim Caughran; Dean Dudley and Jose Valdez; Phil Corbet, CMA Engineering; Elise Annunziata, City of Portsmouth Community Development Coordinator and Dan Hudson with CMA Engineering; Town Administrator, Martha Roy

**1) Preliminary Consultations:**

A) Proposal for new use of the Patterson LLC property by GP Gypsum

Georgia Pacific Gypsum Plant Manager, Jim Caughran, Dean Dudley and Jose Valdez with GP Gypsum, Phil Corbet with CMA Engineering appeared before the Board.

Mr. Valdez stated that they were constrained in their lot and were considering expanding to this lot, which would allow them to operate seven days a week and add twenty jobs. He said they intended to purchase both lots and place a truck terminal on Lot 19.

Mr. Caughran clarified they were still in negotiations with the property owner and also had other options they were considering.

Mr. Corbet stated that an industrial building application had been approved for the lot. He said he researched the meeting minutes on the approval, but they wanted to better understand what constraints and opportunities were associated with the approval.

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Mr. Corbet noted the concern the Board and residents had with trucks entering and exiting Patterson Lane, but thought they could work to address those concerns considering Shattuck Way was an industrial route that served truck traffic well.

Mr. Caughran said they were proposing a gate house and a lighted truck lot with the understanding that residents were concerned about trucks driving down the street beyond the site to turn around.

*(Board of Selectmen representative, Cosmas Locovozzi and Town Administrator, Martha Roy arrived at 6:37 p.m. at this point in the meeting.)*

Chair Hebert asked if they had talked with the abutters and Mr. Corbet said they had not. Chair Hebert suggested that they do so. Board member, Bernie Christopher said many neighbors appeared to express concern for the previous proposal, so it was important to be upfront with neighbors.

Mr. Caughran added that they were proposing a landscape screen for the adjacent neighborhood.

Board member, Jim Weiner asked how many trucks a day would be entering and exiting. Mr. Valdez stated that the thought there would be between thirty to forty trucks a day.

Mr. Weiner asked what their hours of operation would be and Mr. Valdez said they began shipping at 7:30 a.m., did their main loading from 9 a.m. to 2 p.m. and would continue to load until 10 to 11 p.m. Mr. Christopher asked if truck traffic would continue all seven days including weekends and Mr. Valdez said they would.

Mr. Weiner asked if it was a noisy operation and Mr. Valdez stated that the loading was done at their facility so there would be no noise at the truck terminal, just the noise from trucks entering and exiting.

Chair Hebert said he saw an ad for the property that said the lot would be available as one or two lots, but he clarified that the industrial and residential lot had already been combined though it could be undone. He said plans had previously been left to applicants to file with Rockingham County Registry of Deeds, but he suspected the plan had not been filed, so the Town was doing the filing now.

Mr. Corbet stated that they did not intend to separate the lots, but the zoning line was the only issue. He asked if they could develop the industrial into the residential zone of the lot and Chair Hebert replied that they could not. He explained that the lots were only combined so the industrial side would meet the setback requirements for an expanded building and parking area.

Alternate Board member, Ken Latchaw said he considered the residents' comments from the previous lot proposal and wondered if they might consider reversing the proposal to put all the trucking at the plant and the parking only on the Patterson Lane lot. Chair Hebert said that would not be possible because of POV's.

Vice-Chair Cross asked if they would be storing loaded trailers and Mr. Caughran said they would.

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Vice-Chair Cross went on to say truck terminals could be problematic, but this proposal was acceptable because it supported an existing industry in the zone. He stated that it should be in the record that the Board supported the proposal. Chair Hebert replied that the Board needed to see the full plan before they could say it was acceptable.

Chair Hebert commented that the Board had previously required parking for their expansion be somewhere off site. Mr. Caughran replied that they had been parking at Pease.

Mr. Locovozzi asked if they were taking the buildings down and Mr. Caughran replied that the house was already down and the barn would be coming down soon, but they would try to preserve the stonewall.

Mr. Coogan asked if they were intending on keeping the residential lot as open space. Mr. Caughran said they would love to use both lots as commercial and they might pursue the purchase of another residential lot in the future, but they couldn't say for certain.

### B) Proposal by the City of Portsmouth to construct a bus stop, crosswalk and sidewalk on Gosling Road

Elise Annunziata, City of Portsmouth Community Development Coordinator and Dan Hudson with CMA Engineering appeared before the Board.

Mr. Hudson stated that the City of Portsmouth was interested in developing pedestrian bike path improvements on the Portsmouth side of Gosling Road and part of the project would involve improvements on the Newington side of the street for a bus stop shelter, a crosswalk and a sidewalk to increase safety for pedestrians crossing the street to access the COAST bus stop

Mr. Hudson said they were looking for feedback and then they would return for a conditional use permit for the wetlands.

Chair Hebert said he thought there was a \$200,000 cap for the funding of the project. Ms. Annunziata stated that COAST applied for the bus shelter and the City also applied for a transit grant. She said the grant was used for other things, but a portion was based on an estimated cost that had been allocated by the City.

Mr. Weiner expressed concern for the visibility of bikers at the cross walk. Mr. Hudson explained that they were proposing an eight-foot multi-use crosswalk for children and parents that might want to go over to the shopping centers. Chair Hebert clarified that the bike paths were for slower, local use, and it was not the same Seacoast bike path that long distance bikers used. Ms. Annunziata added that there would be no bike improvement on the Newington side.

Mr. Latchaw expressed concern with a mid-walk crossing and suggested the installation of a fence and only allow crossing at the corner cross lights. Mr. Hudson replied that they had considered it, but he didn't know that the City of Portsmouth would

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be able to fund the extra expense of fencing. He said they were looking at a direct crossing to the bus stop to discourage the random cross cutting that was already occurring.

Mr. Hudson said they would also add crossing signs, flashing yellow strobe lights with buttons on the Portsmouth side, one in the median and one on the Newington side for pedestrian crossings that had been shown to be very effective in safety studies.

Mr. Hudson said there would be a short, eight foot, paved sidewalk to the bus shelter, which would be set back so the bus could pull off the road.

Mr. Hudson stated that that there would be no direct wetlands impacts, but they would need a permanent easement to install and maintain a catch basin to address the water that flowed from the road to the low area right-of-way. He said Portsmouth and Newington were working on the agreements.

Board member, Mark Phillips asked if they had done an analysis of the demographics at Gosling Meadows and projections of how many residents used the COAST bus service. Mr. Hudson replied that they looked at current data, which suggested there might be around a dozen pedestrians crossing every hour or one every four minutes. He said they didn't expect large groups crossing the street that would affect traffic, but they wanted to make improvements that would make crossing safer for pedestrians.

Mr. Phillips said he read that Gosling Meadows was the most crime ridden neighborhood in southern New Hampshire with hardly a day going by without an arrest. He said there were fourth and fifth generation welfare recipients that knew nothing about getting a job so he wondered why they were doing this for them. Mr. Hudson replied that the funds were targeted for impoverished people. Ms. Annunziata added that the goal of the funds was to alleviate the economic, geographic and social isolation of the residents with safer pedestrian access to the bus stop for jobs and other services.

Mr. Latchaw asked if they had done a traffic study because he was concerned that traffic could back up to the Spaulding bridge and affect the exits on both sides. Mr. Hudson replied that traffic would have to stop for pedestrians occasionally, but he didn't see that happening.

Mr. Weiner asked if the City of Portsmouth would maintain the bus stop and Ms. Annunziata said the City would maintain the area.

Chair Hebert said Newington's position was that Portsmouth would be responsible for the cost, maintenance and liability. Town Administrator, Martha Roy stated that Town counsel, Attorney Doug Mansfield was working on the license agreement to protect Newington and that would go before the Board of Selectmen.

Mr. Hudson commented that the City would take responsibility for the sidewalk they were building, but the bus stop was already there. Mr. Locovozzi replied that the Town never made any agreements. Vice-Chair Cross agreed that COAST detailed a proposal and the Town acquiesced. Mr. Hudson replied that the bus shelter and

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crosswalk would be on the Crossing's property. Mr. Hudson said they were only building a small piece, but they were leaving an area for a future bike path.

Mr. Iocovozzi commented that there was a good sized gas line on that side of Gosling Road. Mr. Hudson acknowledged that they needed to finish coordinating the utilities as they did for the bike path through Pease.

Mr. Iocovozzi commented that Newington would eventually be connecting Shattuck Way to Gosling Road from Wilcox Way and that would be increasing truck traffic on Gosling Road. Ms. Annunziata replied that the trucks wouldn't be traveling that fast.

Vice-Chair Cross stated that he still had serious concerns for the amount of industrial traffic going to two power plants, as well as all the traffic to Pease and mall and Woodbury Avenue traffic with two intersections in close proximity and a random traffic signal in the middle of the street. Mr. Hudson replied that they couldn't put up a barrier because of turning traffic on both sides and studies had shown that their crossing design was very effective by studies, but he would present the Board's comments.

Vice-Chair Cross mentioned the traffic studies that Everson and Kelsey had done that they could reference. Chair Hebert asked if they had reviewed the studies and Mr. Hudson said they had subcontracted with another firm.

Mr. Hudson stated that they looked at other alternatives, but they felt doing nothing was unacceptable. He said there was a lot of traffic, but not a lot of turning traffic and the median would serve as a refuge with a flashing crossing light that would not be majorly interruptive.

Mr. Hudson added that one person had been hit crossing the road and they were trying to make it safer. Chair Hebert replied that there was no doubt that the crosswalk would be safer for pedestrians, but he was not sure it would be better for traffic. He suggested that they also consider what the crossing would do to traffic, including reviewing what would happen to traffic during heavy shopping periods like Black Friday or holidays and DOT's Woodbury Avenue traffic signal coordination.

Chair Hebert said he didn't want to do their engineering for them, but asked if they had considered alternative solutions like having the bus turning into Gosling Meadows for pickups. Mr. Hudson replied that there was another stop on the Portsmouth side, but it went in a different direction. He added that there was a traffic signal on Woodbury Avenue and one at the Crossings, but none at the intersections. He said buses ran on tight schedules and it would not be easy getting in and out.

Chair Hebert commented that handicapped pedestrians would not be able to cut across the median and asked if they might consider moving the bus stop to Cumberland Farms to utilize the crossing light on the corner. Ms. Annunziata replied that there was a crosswalk there already, but they were trying to reduce the number of cross cuts to and from the Portsmouth side over to the Crossings and the bus stop and moving the bus stop wouldn't fix that. Mr. Hudson added that they would still need a sidewalk from

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Cumberland Farms to the bus stop. He went on to say that pushing the button on the corner stopped traffic, but this light was only a caution and would be less disruptive to traffic once pedestrians finished crossing.

Mr. Weiner agreed that they needed to look at how they could make the crosswalk work for both pedestrians and traffic. Mr. Hudson replied that they weren't saying they had all the answers, but they wanted to partner with Newington.

Vice-Chair Cross commented that like chickens, people crossed roads for reasons, in this case a bus stop, but nothing said the bus stop had to be in that exact location. He suggested they consider moving the bus stop down the street another hundred feet at the seldom used entrance near Jared Jewelers where pedestrians could use the existing nearby traffic signal. Vice-Chair Cross said he made the same suggestion in May and it had not been addressed. Chair Hebert agreed that might be a good idea.

Mr. Christopher commented that he had lived in the area for seventeen years and had never seen anyone use crosswalks and was amazed more people hadn't been hit while crossing. He said if a crosswalk saved one kid, it would be worth it. Chair Hebert replied that his concern was that able-bodied pedestrians would still use the shortest distance and the proposed crosswalk would only be used by the disabled, of which he didn't believe there was a high population. Ms. Annunziata replied that they had not done a study on who would use the crosswalk because they were trying to encourage the use of a crosswalk for the entire community that included 124 units at Gosling Meadows.

Chair Hebert asked if they would agree to shutting the crosswalk down if there were accidents from traffic backing up. Ms. Annunziata replied that the grant involved a license agreement provision of ten years to review traffic studies and impacts under real circumstances. Mr. Iocovozzi suggested they consider waiting five years. Ms. Annunziata replied that it couldn't be less than five years because of the grant agreement provision.

Mr. Coogan reiterated that the Board wanted a traffic analysis to justify the location of the bus stop and cross walk. Chair Hebert agreed that any business applicant would provide a full traffic study that included the busiest traffic days of the year. Mr. Hudson replied that he was sure some projections had been done by subcontractors, but he did not have the data at the moment.

Mr. Phillips asked that they provide information on Portsmouth Housing Authority's (PHA) redevelopment plan for Gosling Meadows that would affect traffic patterns as well as how many residents owned vehicles to determine how many would use the bus service. Chair Hebert replied that COAST bus service had the numbers, but they would also include patrons from other areas that rode the bus to the shopping centers. Ms. Annunziata added that the PHA board had reviewed the crosswalk and bus stop plans and the City had no indication that the Newington section of the Gosling Road improvement project should affect their future redevelopment plan.

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### 2) **Update:** Stoneface Brewing Public Hearing

Mr. Coogan stated that he had sent Stoneface Brewing the Town's letter of decision along with the conditions of approval and wanted to know if the members thought they should have done anything differently in their review of applications, such as accepting the proposal before the public hearing.

Chair Hebert clarified that the Board followed an established precedent to accept applications as substantially complete before public hearings. He said applicants presented their plans before the Technical Review Committee (TRC), but the Board found it challenging to know what they were approving because they hadn't seen the plans and that was why he asked the applicant to present a brief overview of the plans to the Board.

Chair Hebert noted that Town engineering consultant, Altus Engineering also presented a checklist of comments from the TRC review and Mr. Coogan provided a summary memo, but thought it would also be helpful for the Board to have a checklist of the required plans.

Mr. Phillips commented that other town planners issued staff memo's identifying whether anything was missing or if the criteria had been met for formal discussion and made recommendations for approval subject to conditions before the public hearing. Mr. Coogan replied that he did that in his memo and he also thought it was a good idea that the Chair met with him before the meetings.

Mr. Coogan commented that some boards met half an hour before their meetings to be sure everyone was on the same page. Chair Hebert replied that he wanted to keep discussions open to the public.

Mr. Christopher commented that he was not able to stay for the entire hearing, but he read the June 27, 2016 Minutes and it appeared that everyone did a good job.

Discussion ensued regarding procedures and requirements for startup businesses as opposed to established businesses.

Mr. Phillips stated that the overall maintenance of the building, drainage and parking should be listed on the original site plan as the landlords' responsibility. Vice-Chair Cross replied that the Board had always considered the applicants to be responsible for their proposals. Mr. Phillips stated that the Board and Town had more power than they were acknowledging. Chair Hebert agreed that the Board could get a landlord to upgrade their drainage or parking if there was a change of use, but in this case it was up to the applicant to go back to landlord to keep it simple.

Mr. Phillips replied that this was a multi-use building and it was an enforcement problem. Mr. Iocovozzi agreed that the Planning Board could send the Board of Selectmen a memo requesting enforcement. Chair Hebert replied that would require additional paperwork for the Board, the planning administration and the building inspector that would drive Town administrative costs up and in this case the tenant

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would still end up paying for the upgrades and doing so would have delayed or stopped the project.

Mr. Phillips replied that they were saying the ends justified the means, but he viewed it as not supporting an applicant with a good project. Mr. Iocovozzi agreed that they were setting benchmarks that got lost when board members, planners, and building inspectors changed.

Chair Hebert replied that the agreement for Mr. Mooney's mixed use building was already established. Mr. Iocovozzi stated that the documentation should have included approvals and maintenance plans from the fire department, the Conservation Commission, the Department of Environmental Services (DES) and the Planning Board.

Vice-Chair Cross said the former planner used to keep a file with maps and conditions of approval for every property. Mr. Phillips added that the code enforcement officer should have those files as well. Chair Hebert replied that files were stored by each lot, but the Town needed to hire personnel to maintain and review files, but the Board of Selectmen had asked the Boards to cut costs.

Mr. Iocovozzi agreed that some things had to be overlooked unless a complaint was brought to the Town's attention. Mr. Coogan added that most towns didn't look for problems.

### 3) **Regulation Update:** Subdivision Regulation draft review

Mr. Coogan provided Subdivision Regulation changes for the Board's review and comments at a later date.

### 4) **Report** by Town Planner

- Mr. Coogan informed the Board that the Conservation Commission was continuing to work on the possibility of a conservation easement on the Ripley property for a continuation of the wildlife corridor along the Knight's Brook watershed.
- Mr. Coogan stated that the Rockingham Planning Commission was reviewing the Town's Master Plans for comments.
- Mr. Coogan said he attended a preconstruction meeting on the Fabyan Point Road development and construction was slated to start in mid-August and be complete by mid-October.

### 5) **Other Business:**

Discussion ensued regarding a question Mr. Phillips had about why Newington couldn't have their own zip code because of the Air National Guard at Pease. Chair

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Hebert replied that Newington had a different suffix from Portsmouth or the Air National Guard. Mr. Phillips said he thought they still might come up with a change.

Mr. Christopher commented that he still wanted to talk more about Work Force Housing (WFH). Mr. Phillips stated that allowing accessory dwellings in the Residential Zone satisfied Affordable Work Force Housing, RSA 6:74:58.

Discussion ensued regarding multifamily housing. Mr. Iocovozzi commented that one of the problems with multifamily housing in Newington was that Newington didn't have residential sewer lines.

Chair Hebert stated that the Board would seek legal counsel as well as having Mr. Coogan weigh in on the subject of RSA 6:74:58.

Vice-Chair Cross said the RSA had been on the books for twenty years and had been addressed by Rockingham Planning Commission (RPC). Mr. Phillips agreed that Briton vs. Chester was in 1991 and Great Bridge Properties vs. Ossipee was in 2015. Mr. Coogan said it was then codified into State law.

Mr. Coogan said if a developer came into town, the Town should provide reasonable opportunities, but there were no applications at this time.

Vice-Chair Cross suggested that RPC assist with WFH planning. Mr. Phillips agreed that they should be pro-active. Chair Hebert replied that the Board could also decide to do nothing and there might not be any applications.

Discussion ensued regarding allowing blasting in town. Chair Hebert said some towns only allowed hydraulic hammers and the Board would need to make a determination. He suggested that the fire department issue the permits because the Board didn't have the expertise.

Mr. Iocovozzi and Mr. Phillips stated that they had no problem with allowing.

Chair Hebert commented that Eversource might be coming within a few feet of homes so the Town should have an ordinance on the books. Mr. Iocovozzi agreed, but added that construction companies had policies and pre-blasting agreements. Mr. Phillips added that there were regulations that had to be followed and construction companies also carried liability insurance and should provide a certificate of insurance prior to blasting.

Mr. Latchaw wondered if it would be the responsibility of the home owner or the Town to go after company if cracks in the foundation resulted from blasting. Mr. Iocovozzi said it would be between the homeowner and the business.

Chair Hebert commented that Eric Weinrieb with Altus Engineering has pointed out that blasting through ledge could damage homes. He said Eversource could be blasting ten feet down and Mr. Weinrieb and Town counsel suggested using ordinances from other towns because they would also be blasting near the largest aquifer in the state.

*(Mr. Coogan left the meeting at 8:36 p.m.)*

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Mr. Latchaw suggested the Board revisit retention ponds to make them more shallow with slower slopes rather than deep, abrupt slopes. Vice-Chair Cross replied that the Department of Environmental Services determined the area of retention ponds.

**Minutes:** *Cosmas locovozzi moved to approve the Minutes for the June 27, 2016 meeting with corrections as noted. Vice-Chair Cross seconded, and all were in favor.*

**Adjournment:** *Cosmas locovozzi moved to adjourn the meeting. Bernie Christopher seconded the motion and the meeting adjourned at 9:05 p.m.*

**Next Meeting:** August 8, 2016

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

*These Minutes were approved and adopted at the August 22, 2016 Planning Board Meeting.*