

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, October 28, 2013

- Call to Order:** Chair Denis Hebert called the October 28, 2013 meeting at 6:30 PM.
- Present:** Vice Chair, Mike Marconi; Bernie Christopher; Jack Pare; Justin Richardson; Alternate Member, Peggy Lamson; Board of Selectmen Rep, Rick Stern; Jane Kendall, Recorder; and Thomas Morgan, Town Planner
- Public Guests:** Attorney F.X. Bruton; Christopher Tumula; Michael Mathes; David Vincent; Corey Caldwell, MSC Engineers; Craig Daigle; Edna Mosher

### 1) Public Hearings:

A) Proposal by **Cumberland Farms** to raze and rebuild a gas station at **97 Gosling Road**, Tax Map 34, Lot 2

Attorney F.X. Bruton said he had prepared the drainage easement for the Town of Newington and the City of Portsmouth. Attorney Bruton said Portsmouth City Attorney, Bob Sullivan was unavailable for comment for the next couple of weeks so he gave the easement to the Department of Public Works. He also said they applied to DES and DOT for approval.

Chris Tumula reviewed the construction plans with amendments as requested from their last presentation before the Board. Among the changes was the extension of the sidewalk from the property line to the intersection. He said they also modified the note on #14 to refer to the manufacturers inspection manual and maintenance requirements of owners.

Town Planner, Tom Morgan he examined the drainage easement and it looked fine, but he couldn't speak for the City of Portsmouth. Chairman Hebert suggested Newington have their legal department review the easement. Mr. Richardson suggested a legal review of the storm water maintenance manual as well. Attorney Bruton asked if they should record a notice on file with the Town that future owners would be responsible for maintenance. Mr. Richardson said he thought reference to the maintenance plan would be recorded at the Registry of Deeds. Vice-Chair Marconi said a recorded notice would be helpful if the property went up for sale. Vice-Chair Marconi asked if they would supply a storm water maintenance report to the Town on an annual basis, and Mr. Tumula said they could. Vice-Chair Marconi asked when they expected DOT approval, and Mr. Tumula said in a couple of months.

*Mike Marconi moved to approve the proposal by Cumberland Farms to raze and rebuild a gas station at 97 Gosling Road, Tax Map 34, Lot 2 with the following conditions:*

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- *That they obtain final NH DOT approval*
- *That they obtain final DES approval (UST Tanks)*
- *That they finalize drainage easement with the City of Portsmouth and the Town of Newington after reviewed by their counsel*
- *That a one time \$10,000 contribution to the Town for use by the Town for its contribution to the COAST bus system*

*Justin Richardson seconded the motion, and all were in favor.*

### 2) Preliminary Discussions

A) Proposal for a lot line adjustment between **Dorothy Watson's** property at 133 Fox Point Road and the **Mathes'** lot on the corner of Fox Point Road and Nimble Hill Road, Tax Map 17, Lots 11 & 11-2.

Mr. David Vincent, land surveyor for Mr. Mathes presented a proposal for a lot line adjustment on a lot that had already been approved for subdivision in 2005. The proposal was to move the lot line to run along the stonewall A driveway coming onto Nimble Hill Road had already been preapproved. Mr. Vincent said he would add the curb cut, along with the conditions of preapproval on the new plan. Vice-Chair Marconi asked how much road frontage there was, and Mr. Vincent said there was 630 feet of frontage. Vice-Chair Marconi said that would be enough for two lots. Mr. Vincent said there was frontage on Fox Point Road, but there were wetlands that they had to avoid. Mr. Richardson said it would be helpful to get a wetlands scientist to survey the abutting Mills property and show the wetlands on the plan. Mr. Vincent said they would need to get permission to go on their property.

Mr. Richardson said it was an old lot and asked if they did research on easements and if there were any issues with the chain of title. Mr. Vincent said he could research the title more, but the only easement he was aware of was for heirs to have common law access to a cemetery on the lot. Mr. Morgan asked which family cemetery was there, and Mr. Mathes said it was a Hoyt family cemetery.

Chairman Hebert said the proposal would be continued to a public hearing on November 18. Mr. Vincent said he would not be able to attend, and it was determined that Mr. Mathes would do the presentation.

### B) Proposal by **Key Auto** to replace its used car sales facility at **2025 Woodbury Avenue, Tax Map 27, Lots 5 & 5A**

Mr. Corey Caldwell with MSC Engineers said there were many mechanical and structural problems with the current facility. Mr. Caldwell presented their proposal to raze the building and construct 22,000 square feet of commercial space for collision repair, vehicle maintenance, a customer car wash, vehicle display and parking area. Mr. Richardson said there were two lots, and asked if the owner would be willing to consolidate into one lot. Mr. Caldwell said they would. Mr. Caldwell said most of the work would be done outside of the wetland buffer.

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Alternate Peggy Lamson expressed concern that the lot would continue to look poorly with car repairs and a car wash, and increase traffic dramatically. Mr. Caldwell said the car wash would mostly be for internal use after maintenance and repairs.

Ms. Lamson said during one of their previous proposals before the Board they said they would landscape the front, but they never did, and parked cars out front instead. She said she didn't have much confidence in their keeping their word. Mr. Caldwell said he was not privy to previous agreements, but their plan was to landscape all the islands. Ms. Lamson said they could also put in a rain garden for storm water treatment, and Mr. Caldwell agreed, and said anything that they were in support of storm water mitigation.

Mr. Morgan said they were essentially proposing a new development and would give up their grand fathered use of the 75-foot setback. Mr. Morgan said they gave assurances in their previous agreement that they wouldn't park display vehicles on the grass near the road, but they failed to keep that commitment. Mr. Morgan showed a photo of the cars parked 12" from the pavement, which created an obstruction to vehicles pulling out. Chairman Hebert said they could not continue to park on the grass. Mr. Caldwell said he would convey the message to the owners.

Vice-Chair Marconi asked how the eventual Shattuck Way extension connecting to Gosling would affect the lot, and Mr. Morgan said it would go behind the lot.

Mr. Caldwell said they reviewed the drainage easement to the Town of Newington, and the sewer main with a 50' right of way for future road development in a 1906 deed. Chair Hebert asked who the beneficiary was and Mr. Caldwell said it was the Town. He said they could not build in the right of way, but they could park there. He asked if the Town would consider releasing the right of way. Chairman Hebert said they should consider all possibilities.

Chairman Hebert said he was concerned if the garage doors at the back would create a potential hazard for anyone going to the sewage treatment plant. Mr. Caldwell agreed that backing up could be a problem, and said they could control traffic with signage. Chairman Hebert said they solved a similar problem at Sullivan Tire at the Crossings at Fox Run by reconfiguring the parking lot. Chairman Hebert said they also needed to supply a traffic study.

Mr. Richardson said he would like to see drainage improvements for Paul's Brook that receives runoff from the Mall and Pease and then goes into Great Bay. Chairman Hebert said there was another proposal for ten years ago, and he was sure this plan would be even better.

Vice-Chair Marconi asked if the quick lube facility would be for customer use or drive-in public use, and Mr. Caldwell said it would be for both. Chairman Hebert said there would be environmental concerns. Mr. Pare said right now customers drop vehicles off, but they would drive in and out with the new proposal. Vice-Chair Marconi said Cumberland Farms and the building housing Batteries Plus had updated the Woodbury Avenue area, and this was an opportunity to continue. Ms. Lamson said the area looked nice years ago, but fell into disrepair, and she would like to see them design a nice looking building.

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### **3) Planning Board Fee Schedule**

Board of Selectmen Chair, Rick Stern said he would like the Board to review their fees to make them more self-sufficient like the Building Inspection Department. Chairman Hebert said the fees charged don't always cover their costs, and Mr. Stern said some towns charge an additional 20%. Vice-Chair Marconi said he would like to compare Newington's fees with other towns. Mr. Morgan said the Town had not passed on the cost of their abutter notice mailings or legal notices to applicants, and the fees did not cover those costs. Mr. Christopher said most towns include that in a separate billing.

Chairman Hebert expressed concern with the consequences of raising fees because he didn't want to discourage new business. Mr. Stern said fly-by-night businesses wouldn't be willing to pay fees, but good businesses would. Vice-Chair Hebert recommended a subcommittee to review the fees and report to Mr. Morgan. Mr. Christopher, Vice-Chair Marconi, and Mr. Stern volunteered to be on the committee.

### **4) Planning: Bicycle infrastructure improvements**

Mr. Richardson said there had been increasing concern about traffic speed on Nimble Hill Road and the effect on bicyclers and pedestrians. He said they had different bike lane plans from Altus Engineering, and suggested Eric Weinrieb from Altus come before the Board to do a presentation.

Chairman Hebert invited public comment.

Mr. Craig Daigle of Nimble Hill Road expressed concern with the costs and putting in a bike lane by taking frontage from property owners. He also said the problem wasn't just on Nimble Hill Road, and that a bike lane would encroach on stonewalls and trees along some of the roads. He suggested reducing and enforcing the speed through Town from 35 mph to 25 mph.

Chairman Hebert said Nimble Hill Road was not the only road for concern. He asked if anyone favored giving up some of their frontage to the Town for a bike lane, and Edna Mosher of Nimble Hill Road said she would. She said she had her lot surveyed, and a bike path would take very little of her land, but she wanted to be sure she could have access to her field for mowing.

Mr. Daigle said \$10,000 was paid to Altus Engineering from the air mitigation funds and he would have liked to have seen their plan.

Mr. Richardson said concerns about taking property is a legitimate concern and should be avoided, but he thought bike lanes could be put in by only using the right of way.

Mr. Richardson also said accidents are not caused by speed alone, but also by inattentive drivers.

Chairman Hebert said some good concerns had been raised, but it was too soon to resolve them. He said talking with a traffic consultant would be helpful.

Ms. Doreen Stern of Shattuck Way said the sidewalk was the best thing about Shattuck Way and she would be in favor of a bike path, though she would also like to see traffic go slower.

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Ms. Mosher said the speed limit was not enforced, even when people were going 40-45 mph in a 30-35 mph zone. She said there is a blind spot for oncoming traffic near her house and coming from Coleman Drive, and the shoulder of the road is narrow with no where to go. She said she would hate to see a child hit before people took the problem seriously.

Vice-Chair Marconi said other towns like Greenland have speed limits of 30 mph that drop down to 25 mph that are observed.

Ms. Lamson said she walks up McIntyre Road and the speed limit change from 30 to 35 mph is confusing.

Mr. Morgan said anyone who has ever taught a child to ride a bicycle knows children are erratic and are not always attentive. Mr. Morgan said the plan had never been to take people's land for the bike path, but to use the right of way.

Mr. Richardson said they do not have to consider just one solution for addressing the issue either considering some areas are too constrained to widen the road for a bike path.

Chairman Hebert said the roads in European countries support bicycle riders, but roads are not well built for bicyclists in this country. He said the roads would need to be widened, and a bike path would need to be designed properly. Vice-Chair Marconi said the Town of Rye has problems with bikers riding four abreast.

Chairman Hebert said the traffic through Town was going to continue to increase with the Spaulding Turnpike Expansion project, and a possibility to consider would be to get traffic away from the school by removing the McIntyre Road Bridge and connecting to Arboretum Drive through the Pease Tradeport.

Mr. Pare said they could increase speed enforcement in the area better. He said there had been success on Massachusetts Route 117 with the use of speed radars and unmarked cruisers. Chairman Hebert said that is happening at the Kittery Traffic Circle now.

Chairman Hebert asked Mr. Morgan if he would invite Eric Weinrieb with Altus Engineering to come to one of the next two meetings to review his recommendations.

**Minutes:** Mike Marconi motioned to approve the Minutes for the October 16, 2013 meeting as corrected. Bernie Christopher seconded, and all were in favor.

**Adjournment:** Mike Marconi motioned to adjourn, and Bernie Christopher seconded. All were in favor and meeting adjourned at 8:50 p.m.

**Next Meeting:** Monday, November 18, 2013

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