

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 16, 2013

Call to Order: Chair Denis Hebert called the October 16, 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

Absent:

Public Guests: Attorney F.X. Bruton; Chris Tumula, Project Manager with MHF Design Consultants; Paul Wilson, Cumberland Farms; Phil Corbett, CMA Engineers, Keith Babcock, Marceau?; James Schalitz and Jose Valdez with Georgia Pacific; Keith Boyle with CUBE3

1) Public Hearings: Proposal by **Cumberland Farms** to raze and rebuild a gas station and convenience store at **97 Gosling Road**, Tax Map 34, Lot 2.

Attorney F.X. Bruton came before the Board to request conditional approval of their updated plans. Attorney Bruton said they had a joint drainage easement with the City of Portsmouth and the Town of Newington. Attorney Bruton said they were waiting for a response from the City of Portsmouth. Board Chair, Denis Hebert asked that they work with Town Planner, Tom Morgan to be sure the easement included Newington. Mr. Tumula said they moved the drainage line, and Chairman Hebert said they would need to provide a wider easement for a vehicle to get through for maintenance. Attorney Bruton said he could include that in the easement.

Attorney Bruton discussed a contribution of \$10,000 that Cumberland Farms would put in escrow as a contribution along with other stakeholders such as the City of Portsmouth, the Portsmouth Housing Authority, or the malls for the COAST bus stop along Gosling Road. Attorney Bruton said they would need to discuss what would happen if the money weren't used for the bus stop within three years. Attorney Bruton said Cumberland Farms recognized the corner was a gateway to the Town, and would also consider contributing toward wayfinding signage.

Mr. Chris Tumula with MHF Design Consultants presented changes to their plans including their responses to the latest engineering peer review by Altus Engineering. Mr. Tumula said they intended to remove the sidewalk in front of the site along Woodbury Avenue to minimize pedestrian and traffic interaction. Chairman Hebert said the sidewalk was important for pedestrians, and wheelchair residents at Betty's Dream who often crossed at the corner-crossing signal. Board Alternate, Peggy Lamson said other locals, including residents of Great Bay Services would also be safer traveling along sidewalks. Mr. Morgan asked if they would maintain the sidewalks, and they said they would up to their property lines.

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Chairman Hebert stressed the importance of lighting shining down and not leaving the premises. Mr. Tumula said their lighting was shielded and dark sky compliant.

Vice-Chair, Mike Marconi asked when they expected the project to be done, and Attorney Bruton said they expected the razing and construction to take 18 weeks.

Mr. Richardson asked if silt fences would be enough for sediment spillage from the construction vehicle activity. Mr. Richardson said specifications to prevent construction worker violations should be on the plan. He said exposed soils needed to be managed to avoid on-site sediment run off. Chairman Hebert asked if the Town's driveway regulations would be sufficient. Mr. Richardson said the regulations addressed storm water runoff, but not construction vehicle spillage. Attorney Bruton said they could add "exposed soils to be managed to avoid erosion" to the Erosion Control plan.

Discussion ensued regarding 24-hour store hours. Chairman Hebert expressed concern regarding extended hours increasing beer and wine sales and DWI incidents. Attorney Bruton said Cumberland Farms has video surveillance cameras, and trains their employees not to be aggressive during customer incidents. Chairman Hebert said the Town never had a 24-hour store, and if there was an impact to police calls, the cost would be passed on to Cumberland Farms. Attorney Bruton said the City of Dover has an ordinance that can assign police detail and charge proprietors if there is a public nuisance as a result of their business. Mr. Richardson said he had witnessed numerous intoxicated drivers on the road after bars let out, but alcohol could only be sold until 11:45 p.m., not all night.

Chairman Hebert asked where spills would drain, and Mr. Tumula said they would flow into an oil/water separator to stay on site. Justin Richardson said he didn't see anything on the plans regarding storm water maintenance systems according to the manufacturer's specifications. Mr. Tumula said the manual is in the plan. Mr. Richardson said he would like to see the maintenance plan in the chain of title for any future owners. Mr. Tumula said he could make a note in the plan. Chairman Hebert said stating "shall maintain" as a condition of approval would be more binding. Mr. Richardson said he wanted a reference to storm water maintenance recorded with the deed. Attorney Bruton said he would want to be careful not to do anything to affect the title since it might not always be a gas station. Mr. Richardson said they could tie it to the use. Mr. Morgan said it is becoming more common with MS4 towns to follow EPA requirements recording yearly maintenance. Attorney Bruton asked for a copy of MS4.

Chairman Hebert announced that the public hearing would be continued to October 28, 2013.

2) New Business Proposals or Preliminary Discussions

A) Proposal by **Barbara Hallett** for additional parking at **105 Gosling Road** Tax Map 28, Lot 1.

This item was postponed to the October 28, 2013 meeting.

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B) Proposal by **Sea-3** to reconfigure its terminal at **190 Shattuck Way** (Tax Map 14, Lo 2; and Map 20, Lot 13) in order to accommodate Liquefied Petroleum Gas (LPG) shipments via rail, and the export of same via ocean-going ships.

This item was postponed to the October 28, 2013 meeting.

3) Preliminary Discussions

A) Proposed site improvements to the **Georgia Pacific** wallboard plant at **170 Shattuck Way**, Tax Map 20, Lot 2

Phil Corbett with CMA Engineers said they were in the conceptual design phase to expand Georgia Pacific's facility. This included the building of a contained mobile equipment washing facility that would capture runoff. He said they were washing their mobile equipment in the open at the rear of the facility, and the runoff flowed into storm water treatment. Mr. Richardson asked what was in the wash water, and Mr. Marceau said it was mostly gypsum dust slurry, which covers the hydraulics and pistons of their equipment. Ms. Lamson asked if anything would run into Paul's Brook, and Mr. Marceau said the runoff is captured in the storm water retention.

Chairman Hebert said he often saw trucks parked near the storage building, and asked where the trucks in cue would go if their business expanded further. Mr. Corbett said the business had already expanded, and there wouldn't be any more trucks than there already were. Plant Manager, James Schalitz said they increased shipping from two to three shifts, 24/5. Vice-Chair Marconi asked how many employees they had, and Mr. Schalitz said there were 100 and they planned on another 20.

Mr. Richardson asked what would happen with the building runoff, and Mr. Corbett said they would do a drainage study analysis and would manage the runoff appropriately with improved storm water treatment. Mr. Richardson said the indoor washing facility would be an improvement.

Chairman Hebert said they had no road frontage so they would need to get a variance for frontage and for a setback to do the expansion. He said they would also need to follow up on the environmental impact, and check with their fire chief as they continued with the process.

B) Proposal by the **Fox Run Mall** to modernize exterior signs throughout its shopping center property at **45 Fox Run Road**, Tax Map 27, Lot 11.

Keith Boyle with CUBE3 architectural firm said they would be changing the name to the Mall at Fox Run and presented plans for sign renovations for the street entrances; five wayfinding signs and LED lit signs at the Food Court and building entrances.

Chairman Hebert asked if the foot-candles would be the same as before, and Mr. Boyle said they would be. Chairman Hebert asked if the pylon signs would be the same, and Mr. Boyle said the channel-lettering lights would also be the same intensity. Chairman Hebert asked if the LED lights would flash or scroll, and Mr. Boyle said they would not, they would be static. Chairman Hebert said they would need to provide

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information on the illumination of the sign lights and the “nit” measurement of the LED lights.

Chairman Hebert asked if he would be ready to return to the Board for their November 18, 2013 meeting, and Mr. Boyle said he would like to be done by Black Friday.

4) Planning Department Budget 2014

Discussion on the COAST bus line increase ensued. Mr. Morgan said Federal requirements are part of what drove the costs up, and their door-to-door service for anyone living within 1½ mile of the bus line, though very few Newington Residents lived within 1½ miles of the bus stop at the corner of Nimble Hill Road and Shattuck Way. Mr. Morgan said COAST Route 2 was the most heavily traveled. Selectmen Chair, Rick Stern said the COAST bus line provided mass transportation to local industry employees and customers who in turn helped reduce Newington's tax base, and the increase was the cost of doing business. Mr. Morgan said Newington is an unusual community in that three out of every four tax dollars spent comes from commerce and industry. Chairman Hebert said Newington hadn't contributed to the COAST service coming through town for four years, and it was due.

Chairman Hebert said the Planning Board negotiated a contribution for a bus stop from Tyco when they built their new facility on Shattuck Way but they would need to return the funds from escrow because the time limit was up and the Board of Selectmen wouldn't agree to maintain the shelter due to liability concerns.

Mike Marconi made a recommendation to the Board of Selectmen to approve the 2014 Planning Board budget. Bernie Christopher seconded, and all were in favor.

Invoices:

Mr. Morgan said Altus Engineering made plans for the bus shelter, but they would need to remove \$2,300 allocated to the budget.

Mike Marconi moved to pay \$2,385.80 Altus Engineering for the bus shelter plans. Bernie Christopher seconded, and all were in favor.

Mr. Morgan said the Zoning Board of Adjustment never had their own budget and they recently required legal counsel from Attorney Malcolm MacNeil in the amount of \$1,800 when the Building Inspector issued cease and desist on a residential construction. Chairman Hebert asked why the ZBA didn't pass the cost on to the applicant the way the Planning Board does. Mr. Richardson said it was not an appeal to a zoning ordinance so the applicant cannot be made to pay because there is no statute to authorize recovery of cost for an appeal on a cease and desist order.

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Justin Richardson moved to pay Altus Engineering \$993 for their review of the Gosling Road Cumberland Farms plans. Mike Marconi seconded, and all were in favor.

Minutes: ***Mike Marconi moved to approve the Minutes for the September 9 & 16, 2013 meeting.*** Chairman Hebert and Selectman Chair Stern said they were not in attendance and recused themselves. ***Bernie Christopher seconded, and all were in favor.***

Discussions:

Discussion ensued regarding the possibility of a bike lane along Nimble Hill Road. Mr. Richardson said there was a great deal of concern over the speed of vehicles going through Town on Nimble Hill Road, and the safety of children riding bikes to school. He said there was nearly an accident with a child crossing Nimble Hill near Coleman Drive recently. Mr. Richardson said he attended the last Selectmen's meeting to inquire on the status of a bike lane, and they referred the question to the Planning Board. Chairman Hebert said the Planning Board asked Altus Engineering to look into a plan, but the Selectmen took the project away from them. Chairman Hebert said one Nimble Hill Road resident offered road frontage for the project at one point, but he wasn't sure if that offer would remain.

Vice-Chair Marconi said he was concerned with speed. Mr. Pare said they should ask the Chief of Police, John Tretter to implement heavier traffic enforcement on Nimble Hill Road. Selectmen Chair Stern said a cruiser has been patrolling Nimble Hill more lately.

Mr. Richardson said there is money set aside in the clean air mitigation fund that could be used for the bike path. Mr. Christopher said they should move forward. Mr. Richardson suggested they invite the school principal and Eric Weinrieb, and someone with the highway safety committee to a discussion. Chairman Hebert said they should have more discussion on the bike path on the next October 28, 2013 meeting.

Adjournment: ***Mike Marconi motioned to adjourn, and Bernie Christopher seconded. All were in favor and meeting adjourned at 9 pm.***

Next Meeting: Monday, October 26, 2013

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary

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