

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 9, 2013

- Call to Order:** Vice Chair, Mike Marconi called the September 9, 2013 meeting at 6:36 PM.
- Present:** Bernie Christopher; Jack Pare; Justin Richardson; Alternate Member, Peggy Lamson; Thomas Morgan, Town Planner, and Jane Kendall, Reporting Secretary
- Absent:** Chair Denis Hebert and Board of Selectmen Chair, Rick Stern;
- Public Guests:** Alicia Busconi, VP, Keypoint Property Management for the Crossings; Barbara Hallett; Paul Bogan, VP Operations, and John Mielke, Operations Manager of Sea-3; Stephen Haight, P.E., Haight Engineering; James Vera, Surveying & Mapping; Cynthia Scarano, Executive VP & Robert Culliford, Senior VP & General Counsel of Pan Am Railways; Attorney Alec McEachern

1) Public Hearings:

A) Proposal by **Keypoint Partners** to move and/or upgrade seven free-standing signs at the **Crossings at Fox Run, 45 Gosling Road**, Tax Map 34, Lot 3

Alicia Busconi of Keypoint Partners informed the Board that the Zoning Board of Adjustment (BOA) had granted their requests for variances, and she was returning for Site Plan Review.

Town Planner, Tom Morgan said he had spoken with Planning Board Chair, Denis Hebert regarding possible changes to the ordinances regarding reader boards, but those changes would take several months before they could be implemented, and because the Crossings already submitted their proposal, they would be grandfathered. However, Mr. Morgan said the Board expressed concern with brightness and motion during the preliminary discussions during the August 12, 2013 meeting.

Alternate Board member, Peggy Lamson said she was not in favor of the height and would prefer more traditional signage, but she understood that it was a place of commerce. Ms. Busconi said they would still take Ms. Lamson's comments into consideration and see what they could do to make the signs look less modern.

Board member, Justin Richardson asked if an engineer looked at the plan, and Ms. Busconi said they provided a letter from Gorrill-Palmer Engineers.

Board member, Jack Pare asked if the plan before the Board showed the modifications, and Ms. Busconi said Tom Morgan had the plan that was presented to the BOA. Mr. Richardson who is the Board's representative on the BOA said their approval was conditional on the Planning Board's approval.

Mr. Richardson went on to say that the Zoning Ordinance specifies the interval of time a sign can change, and it would be important to stipulate that the sign should be used like a traditional sign, showing who the tenants are, and events, but not as a form of advertising sales that would cause vehicles to stop and read details. Ms. Busconi agreed that they would not put monetary advertising on the signs, but clarified that some of the tenants like Best Buy are associated with certain brand names that they may want to list with their logos.

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Vice Chair Marconi closed the public discussion.

Justin Richardson moved to approve the application for Site Review by Keypoint Partners to move and/or upgrade seven free-standing signs at the Crossings at Fox Run, 45 Gosling Road, Tax Map 34, Lot 3 as shown on Gorrill-Palmer Engineering Plan Dated August 2013, File #2820 subject to the following conditions:

- 1) That the signs be used for trademark or brand names affiliated with on site businesses, or events*
- 2) And that the signs not be used for sales or statements requiring reading except those listed in Condition 1 above*
- 3) The sign shall not change more frequently than 30 seconded as listed on Article 17, Section 2 of the Zoning Ordinance.*

Peggy Lamson seconded, and all were in favor.

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

This hearing was postponed until the October 17, 2013 meeting at the request of the applicant.

2) New Business

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

Barbara Hallett came before the Board with a preliminary parking plan as suggested by Ambit Engineering with straight parking instead of angled parking to increase her shopping center parking by a few spaces. Ms. Hallett also said she would need to pave for extra space. Mr. Morgan said she would need to apply to the BOA to request a variance to pave outside the setback requirement, and the Board would want an engineer's report on the impact the additional paving would have on storm water runoff. Mr. Richardson said it would be helpful to have a plan submitted in digital PDF form to be made available for Board members to review online.

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

Paul Bogan, VP Operations, reviewed the history of Sea-3 that started importing propane at their Newington location in 1975. However, two years ago sales competition caused their Algerian suppliers to increase their costs, which caused them to lose domestic sales drastically. They have since come up with a plan to bring domestic propane from Western Pennsylvania and West Virginia by refrigerated rail and then redistribute it overseas, and some parts of New Hampshire, and New England. In order to do this they are planning to expand their rail unloading facility on Shattuck Way. The product will be unloaded into ambient pressure storage tanks, then pumped into drying towers to remove moisture, and then into chilling tanks to bring the temperatures down to - 45 degrees Fahrenheit for transportation.

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Mr. Richardson asked if the pressure of the product would be different than that coming in from the ships than that coming in from rail, and Mr. Bogan said it would.

Ms. Lamson asked if the roadways would need to be closed when shipments came in by rail just as the river is closed when shipments came in by ship. Mr. Bogan said they have brought shipments in by rail before, but they would be bringing in more to make it profitable. Ms. Lamson asked how many rail cars would be coming in a day, and Mr. Bogan said he expected twelve a day.

Mr. Richardson asked about noise issues, and Mr. Bogan said all the refrigeration units were electric motor driven so there should be very little noise.

Vice Chair Marconi asked if they would ever shut down for maintenance, and Mr. Bogan said they would.

Mr. Pare asked where extra rail cars would be stored, and Cynthia Scarano Executive Vice President for Pan Am Railways said they would probably be stored at Rockingham Junction. Mr. Pare asked if they had talked with the Newington and Portsmouth fire chiefs regarding an increased need for fire readiness, and Mr. Bogan said they had. Mr. Morgan said LPG is already transported through the rail yards in Portsmouth. Mr. Pare said he imagined there would be the same issues with rails as ships except that they would be exporting instead of importing.

Vice Chair Marconi asked if they would be upgrading the rails, and Ms. Scarano said they would. Ms. Lamson asked for clarification for the record where Rockingham Junction is and what route the freight would take. Mr. Bogan said the shipments would be coming through Rotterdam, NY to Rockingham Junction in Strafford, through Greenland, and then up to Portsmouth past Market Street and Atlantic Heights to their destination at their Newington site. Mr. Richardson asked how many miles of rail tracks would be upgraded, and Ms. Scarano said they would be upgrading from Portsmouth to Newington. She said their tracks are currently rated as Class I, which allows hazardous materials to be transported at 10 mph. They were considering upgrading to Class II that would allow them to travel at 25 mph, which would enable more cars to be delivered. Mr. Morgan said they should keep in mind that RSA 36; Section 54 states that Planning Boards can notify and invite other communities to join their review whenever they suspect a project may have an impact outside their community. Mr. Morgan asked what the differences from importing to exporting would have on ships, and Mr. Bogan said they used to have 12-13 import ships a year, and then it went down to six, but they hope to bring the numbers back up over time.

Surveyor, Jim Vera said the intent of their discussion was to determine frontage so they could proceed with plans. Mr. Morgan pointed out that Sea-3 owns two parcels bisected by the railroad, which is out of their jurisdiction. Engineer, Steve Haight said they talked to the fire chief and he suggested the best access on one parcel would be through Sprague, and the other would be through Avery Road. Mr. Morgan said Avery Road is private, not a Town road. Mr. Pare suggested they stick with the existing ingress and egress. Mr. Richardson asked why the Board would make that recommendation, and Mr. Morgan said most towns leave it to their planners, but Newington wanted to leave it to their Planning Board.

Jack Pare moved that the Planning Board recommend the access points for Sea3's terminal at 190 Shattuck Way (Tax Map 14, Lot 2; and Map 20, Lot 13) be from the north bordering the Piscataqua River be through Sprague Energy, and the inland access to the front yard to the west be through Avery Road. Bernie Christopher seconded, and all were in favor.

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Mr. Haight asked if there were any other concerns or issues that the Board wanted them to address. Vice Chair Marconi said they would need to apply to the NH Department of Environmental Services, and Mr. Pare said they should submit a statement from their design engineer as well. Mr. Morgan said they should consult with a specialist who understands propane for their peer review. He also said the Board did site walks with Sea-3 in the past, and they should do another. A date was discussed for Monday, September 16, 2013.

Comments and Discussion:

Ms. Lamson said is always important to consider surrounding communities before granting projects such as the change over from Pease Air Force Base to the Pease Development Authority where the FAA, the State of New Hampshire, and the former Portsmouth City Manager “sold Newington down the river” when they consented to a public benefit transfer because despite her serving as a representative for the Town, the surrounding communities have little or no influence in what they do, and now a helicopter school and touring operation will be coming in to Pease.

Mr. Richardson said they should be looking at financial solvency at the troubled airport. He also questioned the time the helicopter operation put into securing qualified pilots in such a short period of time.

Minutes:

Ms. Lamson was absent from the meeting and recused herself from voting. Mr. Richardson said he didn't have a chance to review them and requested that approval of the Minutes for the August 12, 2013 Meeting be moved to the next meeting.

Adjournment: *Justin Richardson motioned to adjourn, and Peggy Lamson seconded. All were in favor and meeting adjourned at 8:15 pm*

Next Meeting: Monday, September 22, 2013

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