

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, August 12, 2013

Call to Order: Chair Denis Hebert called the August 12, 2013 meeting at 6:30 PM.

Present: Vice Chair, Mike Marconi; Jack Pare; Justin Richardson; Board of Selectmen Rep, Rick Stern; Thomas Morgan, Town Planner; and Jane Kendall, Recorder

Absent: Bernie Christopher; Alternate Member, Peggy Lamson

Public Guests: Alicia Busconi, Vice President of KeyPoint Partners; Attorney F.X. Bruton; Christopher Tymula, MHF Design Consultants; Paul Wilson, Cumberland Farms Project; Richard Jackson, Cumberland Farms Area Sales Manager; Jim Gove of Gove Environmental

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, VP of KeyPoint Partners who manage the Crossings Mall site said Gorrill-Palmer Consulting Engineers, Inc. had come up with three designs for the placement of their new signs, and recommended that they move the Gosling Road entrance back from to 45' for improved visibility.

Ms. Busconi said they tried to get the height of their tenant advertising sign down to 35' but were unable to fit all the tenants on it, though she said they could come down from 40' to 37'.

Discussion ensued regarding electronic readerboards, and Chair Denis Hebert said the Board would need to carefully consider the wording of their ordinances on the new technology. Board member, Justin Richardson said the technology would be fine if it was only to list the mall tenants and informs the public of events, but was concerned with advertising notices, and thought it would be a good idea to establish conditions to set limits. Board of Selectman Rep, Rick Stern said any sign could be used for advertising so an electronic sign would be no different in that regard. Jane Kendall spoke as a Town resident, and said she was concerned with frequent changes on an electronic readerboard that would distract passing drivers, as well as the garish mix of colors from the collage of tenant logos.

Ms. Busconi said she did some research on the effects electronic readerboards had on traffic, and a study from Texas A&M said there were no findings of additional traffic accidents on roads with electronic readerboards. A 2013 study showed that most drivers quickly became accustomed to their presence. She also said most cities and towns were changing the language of their zoning codes and ordinances on electronic signs, and they all agreed that they didn't like bright illuminations, flashing or rolling messages.

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A brief discussion continued on traffic analysis that had been done by a consultant, and was provided to Board members. Ms. Busconi said the consultants made recommendations for the best placement and setbacks of the signs from a safety point of view.

Chair Hebert asked Ms. Busconi what kinds of messages they intended on displaying. Ms. Busconi said the mall owners specifically requested that no monetary ads be displayed, but they hoped to advertise the Farmers' Market, and perhaps new movies that were showing at the Regal Cinema. They also hoped to give retailers an opportunity to advertise, giving the smaller tenants an opportunity to get a broader audience. Selectman Chair Stern asked how often the messages would change and Ms. Busconi said they would be fine starting out with weekly changes of their displays and go from there.

Chair Hebert said the applicant showed a willingness to work with the Town, and they might consider approval with the condition that they revisit the proposal after a period of time. Selectman Chair Stern said they needed to set some parameters, and Chair Hebert agreed that they needed to address the intensity, flashing and scrolling of messages. Board member, Jack Pare said they would not need to make any changes to the existing ordinance. Mr. Richardson said he liked the idea of establishing a limit of 30 seconds before the message changes so people wouldn't miss the message as they drove by. Ms. Busconi said their marketing manager would be controlling the changes at his keyboard and would be able to see whatever was going on the board on his screen.

A brief discussion ensued regarding the placement of an additional sign closer to the highway behind Kohl's. Ms. Busconi said that sign would need to be 60' high based on its placement for adequate visibility. Chair Hebert said they would set further discussion on an additional sign for another time.

Chair Hebert continued the public hearing for the next meeting on Monday, September 9, 2013, and asked Ms. Busconi to return with the Zoning Board of Adjustment's decision.

2) New Business

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

Selectman Chair Stern informed the Board that Attorney F.X. Bruton has represented the Board of Selectman, and asked if he should recuse himself. Chair Denis Hebert said it would not be necessary unless he thought he could not consider the application objectively and without bias, and Selectman Chair Stern said he could.

Attorney Bruton came before the Board representing Cumberland Farms, and said they had received variance approval for setbacks at the July 17, 2013 Zoning Board of Adjustment meeting. Attorney Bruton said the Town's 75' setback might work for developers with larger lots, but was a hardship for smaller, pre-existing lots. Mr. Richardson who is the Planning Board representative on the Board of Adjustment said

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the BoA granted the variances with the stipulation that drainage and other requirements be reviewed and approved by the Planning Board.

Board member, Jack Pare asked if the abutters had been contacted for the purchase of any of the adjoining property for additional snow storage, and Attorney Bruton said Cumberland Farms did not want to purchase any additional property.

Vice Chair, Mike Marconi asked when the fuel tanks would be filled because there had been a traffic problem at BJ's across the street, and Attorney Bruton said they were open 24 hours, and intended to do deliveries during off peak hours.

Chair Hebert asked about snow removal and storage, and Chris Tumula with MHF Design Consultants said Cumberland Farms makes sure any snowfall that would affect business is removed. Chair Hebert expressed concern that high snow storage would affect visibility of traffic exiting the lot. Cumberland Farms Area Sales Manager, Richard Jackson said they are also concerned with getting fuel delivery trucks in and out, and would hire a landscaping company for snow removal. Chair Hebert said he believed they had good intentions for snow removal, but was concerned that landscaping snow removal crews have numerous clients requiring snow removal during storms, and questioned how a 24 hour operation would manage without down time for snow removal. Mr. Jackson said snowstorms could happen at any hour of the day, not just during down time. Justin Richardson said he could see benefits for anyone needing the convenience of a local 24-hour store, but agreed that it was important to better define the statement on the plan that said, "the owner shall reasonably remove excess snow". Mr. Tumula said there were nineteen parking spaces, with 50% impervious and 66 pervious, and there actually was more snow storage on their plan than on the current site. Selectman Chair Stern said they should have a marker near the entrance and exits to indicate when the snow storage was getting close to obscuring visibility. Mr. Tumula said they could put a mark on the freestanding sign to avoid having wooden posts. Mr. Richardson said they should stipulate a time for snow removal, and Mr. Jackson said they would remove it within 24-48 hours, which is when people become more active after a blizzard.

Mr. Tumula said they were planning on extending the sidewalk along Gosling Road for ADA access and the future COAST bus stop. Chair Hebert said he was concerned with snow removal, and Attorney Bruton said Cumberland Farms would be diligent because of liability. Town Planner, Tom Morgan asked if they considered extending the sidewalks further up to the proposed bus stop, and Attorney Bruton said they didn't have a problem with constructing the sidewalk, but would have a problem with perpetual maintenance. Mr. Morgan suggested they not think in perpetual terms, but set a period of time. Mr. Pare said the Gosling Meadows residents across the street would frequent the store more if they had easier access. Attorney Bruton said COAST bus lines, the Crossings Mall, and the Portsmouth Housing Authority are all stakeholders. Chair Hebert said they would still like to see Cumberland Farms construct a sidewalk up to the bus stop as a contribution to the Town.

Mr. Tumula reviewed the stormwater management system, noting that they were designed to Town regulation specifications. Chair Hebert suggested an alarm be installed in the separator to assist in alerting them to needing maintenance.

Mr. Richardson asked that there be a reference to recording maintenance. Vice Chair

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Marconi said they could report to the building inspector. Mr. Morgan said there would be difficulty meeting the Registry of Deeds standards if registering the plans, and Mr. Richardson said they would only need to reference the plan. Chair Hebert said a drawing is not as enforceable as conditions, Mr. Richardson said they could approve the plan subject to maintenance notes.

Mr. Morgan asked if they had communicated with the fire chief and the Waste Water department staff, and Mr. Tumula said they had not yet.

Vice Chair Marconi asked how the pumps would operate during a power outage to assist people that needed fuel for their generators. Paul Wilson, Cumberland Farms Project said they had portable generators they could bring in within a few hours. A discussion ensued regarding larger, fixed generators, and Mr. Wilson said there was no place to put them.

Mr. Morgan asked if their lighting plan met town criteria. Attorney Bruton said they would comply with the criteria and Cumberland Farms is also responsive to issues that might arise, as was the case when a neighbor to the Rochester store complained of glare, and they put a shield on their lighting. Attorney Bruton said they were also looking for Eric Weinrieb's review from Altus Engineering.

Mike Marconi moved to accept the proposal by Cumberland Farms to raze and rebuild a gas station at 97 Gosling Road, Tax Map 34, Lot 2 as substantially complete. Justin Richardson seconded, and all were in favor.

Jim Gove of Gove Environmental Manager reviewed the surrounding soil of poorly draining clay and silt, and the wetlands, which he described as low functioning with no organic matter to uptake nutrients. Mr. Gove said the development would do no harm, and their stormwater treatment could actually improve the area.

Chair Hebert said the hearing would be continued to Monday, September 9, 2013.

Correspondence:

Tom Morgan discussed a letter from a south Newington resident regarding a bike route to improve safely on the narrow Town roadways. Chair Hebert said it is in the Master Plan, and would be valuable, especially along curvy areas. Vice Chair Marconi asked if it would be a good time to consider when they repaved McIntyre Road, and Chair Hebert said the road was done eight to ten years ago, and it would be another five years or so before they would repave the road. Vice Chair Marconi said they should send a reply of thanks for the concern, and let them know they couldn't do anything about it at this time, but they would talk to the Chief of Police about monitoring vehicle speed in the area.

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Discussions:

Selectman Chair Stern announced that Pease Development Authority would vote on a helicopter school and touring service on Thursday, and they were proposing to fly 500' over the National Guard tankers. He added that there was a serious accident at the Nashua helicopter school. Chair Hebert said it would be unlikely that the National Guard would permit them to fly over the tankers, but the schools do a lot of hovering at low altitudes and the noise would be a serious issue. Mr. Richardson added that the modulating noise of helicopters would be much worse than airplanes. Chair Hebert said the noise would have an impact over neighboring Great Bay Wildlife Refuge as well. Chair Stern said the PDA presented the proposal too quickly to rally environmental groups.

Mr. Richardson said agreeing to the proposal may be a response to a failing airport.

Selectman Chair Stern said the PDA only allows public comment after they take a vote. He asked the Planning Board if they would like to write a letter. Mr. Morgan said Attorney O'Neil was at the PDA Board meeting that morning, and PDA Chairman Preston said, "(they) would suspend the rules to allow a member of the public to speak before their vote." Mr. Pare said it was a State of NH decision, not U.S. Federal. Mr. Richardson said there was a Notice to Municipalities RSA that says a State agency has to give notice before a vote whenever they make a decision that could impact a municipality. Mr. Morgan said Portsmouth City Manager, John Bohenko had urged the committee to hold off voting for another month and hold a public hearing to review the noise, but the Airport Committee voted to hold a full board meeting on Thursday morning at 8 a.m. Mr. Pare suggested calling the newspaper. Chair Hebert suggested having an attorney for the Town draft a letter for his signature. Mr. Richardson said they should include a copy of RSA 541:A; 39.

Mr. Morgan said Maria Stowell with the PDA scheduled a meeting regarding changes to their zoning ordinances. Mr. Richardson said the road the DOT put through natural resources land isn't zoned, and was negotiated outside of process consultation with counsel.

Minutes: Mike Marconi motioned to approve the Minutes for the July 22, 2013 meeting with changes as requested. Jack Pare seconded, and all were in favor.

Adjournment: Marconi motioned to adjourn, and Stern seconded. All were in favor and meeting adjourned at 8:45 pm

Next Meeting: Monday, September 9, 2013

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary