

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, May 13, 2013

- Call to Order:** Chair Denis Hebert called the May 13, 2013 meeting at 6:00 PM. Patty Borkland took notes till Jane Kendall, Recorder arrived at 6:30 p.m.
- Present:** Vice Chair, Mike Marconi; Patty Borkland; Bernie Christopher; Jack Pare; Justin Richardson; Alternate Member, Peggy Lamson; Board of Selectmen Rep, Rick Stern; and Jane Kendall, Recorder
- Absent:** Thomas Morgan, Town Planner
- Public Guests:** Keith Cota, NHDOT Chief Project Manager; Steven Ireland, DOT Asst. District Engineer; Peter Salo, DOT Chief Consultant Design; Shawn Tobey, Project Engineer for Hoyle, Tanner & Assoc; Maria Stowell, PE for PDA; Steve Maratellini; Michael Mathes; Edna Mosher; Diane Scott for Joe and Heather Kelley; Bernie Pelech; Patrick Geoff with NE Auto Parts; Attorney F.X. Bruton; Paul Wilson with Cumberland Farms; Chris Amula, Project Engineer; John Bernier, President Bernier Corp; Peter Landry, Landry Surveying

1) Transportation:

A) Report from **NH DOT** regarding **Woodbury Ave.**

As discussion ensued regarding DOT's proposed construction design of Woodbury Ave., Board member, Justin Richardson said he thought roads were designed to accommodate 90% of traffic speed and Steve Ireland, Assistant District Engineer for DOT said speed limits are designed for 85% of the traffic. Mr. Salo said they look at peak hours of use, not the total volume of cars.

Peter Salo, DOT Chief Design Consultant said the ramps to Fox Run Road are scheduled to be closed in the spring of 2015. After reviewing the intersection capacity model projected for 2015, Salo said they were concerned with traffic cueing behind the intersections near Texas Roadhouse Restaurant, and were considering putting up signs to warn against blocking the intersections, or constructing a raised median through the intersection of the first mall entrance.

Board Chair, Denis Hebert said the entrance looked too narrow for a trucks to pass through easily. Hebert said the mall entrance is private property and they would need to speak to the mall owners. Chair Hebert said he was concerned that the proposed changes would complicate access to the mall, and affect business in the area. Hebert said he thought there would be pushback from the mall and Walmart. Hebert suggested there should be a public venue at the Planning Board or Board of Selectmen's meeting.

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Chair Hebert went on to say they had talked about a light interchange at the Walmart intersection, which would solve some of the access problems with losing the ramp entrance to Fox Run Road. Salo said they would try the least intrusive solution and see how it worked before considering other alternatives. Board member, Jack Pare said they might consider making the entrances left in, left out, right in and right out, but Keith Cota said they couldn't widen the entrance without taking away more of the abutting historic property. Justin Richardson asked why widening the entrance to Walmart would impact the historic property so much if the entrance is across the street from the storage facility, not the Beane Farm, and Salo said they would need to taper the road down because they couldn't just widen the road at the entrance, and then narrow it abruptly. Jack Pare said they might consider sheet pile retaining walls instead of slopes to allow wider travel lanes. Chair Hebert said he would like to know that DOT is making every effort to review other possibilities and asked if they'd considered moving the Dow house beside the Beane Farm. Keith Cota said Historic Preservation and the State discouraged their expending any more public funds. Chair Hebert said he still didn't see why they wouldn't consider taking more of the property for the sake of safety, but would expend so much to preserve the General Sullivan Bridge. Justin Richardson agreed that being trapped by the highway impairs the value of the historic buildings, and that moving them would improve their historic value. Keith Cota said he could understand the concerns, but believes the highway improvements will benefit businesses over time despite the initial hardship and adjustments.

Edna Mosher of Nimble Hill Road asked how the highway expansion would impact the gas and water lines on Nimble Hill Road. Keith Cota said the lines needed to be adjusted after Unitil put in new gas lines from Hilton Park and under the Shattuck Way underpass.

Justin Richardson asked about the clear cutting along the highway for the construction of the new traffic circle on Arboretum Drive in the Natural Resources protected area that was established after Pease went in. Mr. Cota said PSNH will be putting in transmission lines, and Unitil will need access for their gas lines too. DOT is also planning a highway maintenance facility, but except for the curb cut off Woodbury Ave, and the round-a-bout, all curb cuts will be up to Pease Development Authority who owns the area, and maintenance will be up to the City of Portsmouth.

Justin Richardson asked if Tom Morgan could do overlay the DOT's project over the PDA property as a useful planning tool. Jack Pare said that would be easy to do.

B) Proposal by **COAST** to construct a bus pull-over and to erect a passenger shelter along **Gosling Road** next to Toys R Us

Jeremy LaRosa with COAST said he received an email from the City of Portsmouth that a cross walk would be needed for the bus pull-over, and it was not a very good location. They considered other locations, but they couldn't put it too close to the gas station entrance or near the Unitil substation. Mr. LaRosa said mostly Gosling Meadows residents use the bus stop, and they still want to keep those customers. Justin Richardson asked how customers that want to go to the mall would get there and was told they would stay on the bus that continues to the movie theatre. Chair Denis

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Hebert said he is concerned with the bus stopping traffic coming off Woodbury Ave. and he wondered if it would help to put a pullover lane further down the street. LaRosa said they usually don't expend those kinds of funds, and would also be concerned with problems trying to pull back out into traffic and then turning into the mall entrance. Justin Richardson said the property near Jared's Jewelers is a conservation easement, and can't be conveyed. Mr. LaRosa said COAST still wanted to do a shelter, but they would need to look into all the possibilities. LaRosa also said it would be up to the Town to maintain the platform and sidewalks.

2) Public Hearing: Proposal by **Two International Group, LLC** to construct a 2-story medical office building with a 21,682 s.f. footprint with related paving, lighting, utilities, landscaping, drainage and associated site improvements at 25 New Hampshire Avenue. Peggy Lamson recused herself as a board member of the PDA.

Shawn Tobey, Project Engineer for Hoyle, Tanner & Associates came before the Board with plans for a new health care building, saying they had received DES permit approval, site plan approval from the City of Portsmouth, and had addressed comments from the PDA, and concerns from Town consultants at Altus Engineering.

Chair Hebert asked about the dry sump pumps being used in the parking garage, and Mr. Tobey said Mitch Locker at DES said dry sumps were common.

Justin Richardson asked how the PDA site plan recommendations for best management would be measured. Shawn Tobey said the sandy soils had high filtration. Richardson asked how someone would know how it was performing and being maintained in the future, and Tobey said there are maintenance logs. Richardson said he would like to see the plans recorded at the Registry of Deeds, and Maria Stowell with the PDA said they set the policy for recording tenant maintenance. Chair Hebert said the Planning Board takes the PDA and State Rules and Regulations when they review a project for recommendation. Richardson said the State statute says the final approval is made by the PDA, but the Planning Board does not have to approve, and can make recommendations. Chair Hebert said the Planning Board has never done that with the PDA before. Richardson said he wanted the maintenance agreement recorded as a guarantee that it would be followed instead of being stated to make everyone feel good for the moment. Maria Stowell said the maintenance plan is included in the Notice of Lease, which goes on record, and Rick Stern then asked who is listed to make sure it is done. Denis Hebert said DES looks at PDA proposals, and they are ultimately responsible.

Justin Richardson recommended approving the proposal of Two International Group, LLC to construct a 2-story medical office building with a 21,682 s.f. footprint with related paving, lighting, utilities, landscaping, drainage and related improvements at 25 New Hampshire Avenue contingent upon the PDA and their tenant insuring the stormwater infiltration system be maintained in accordance with the NH DES Alteration of Terrain permit and the manufacturers specifications. Patty Borkland seconded, and all were in favor.

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3) Curb Cut Applications

A) Request by **Steven Maratellini** for a curb cut at 33 Captains' Landing, Tax Map 16, Lot 7A

Board Chair Denis Hebert asked how far from the pavement and property line the building would be, and Steve Maratellini said it would be 75 feet back. Chair Hebert asked how wide the drive would be, and if there would be a stormwater drain under the driveway and Mr. Maratellini said it would be 15 feet wide, and there was no need for a culvert because there was well drained sand beneath.

Mike Marconi moved to accept Steven Maratellini's request for a curb cut at 33 Captains' Landing, Tax Map 16, Lot 7A. Bernie Christopher seconded, and all were in favor.

B) Request by Board of Selectmen to review a permit granted to **Michael Mathes** for land at the corner of Nimble Hill Road and Fox Point Road, Tax Map 17, Lot 11-2

Board of Selectmen Chair, Rick Stern said the Board of Selectmen wanted to know why it was necessary to cut the trees on the Mathes property across from the Town Hall. Planning Board Chair, Denis Hebert said it had been recommended for safety issues to improve the line of sight for the recently approved curb cut request. Justin Richardson asked who owns the right of way that the curb cut comes off. Jack Pare said the Town may consider the trees part of the scenic route, but the Town only has an easement and does not own the right of way. Justin Richardson then said he didn't see any reason to deny cutting the trees since Mr. Mathes owns the right of way. Denis Hebert added that Mathes is doing the Town a favor by cutting the trees since they grow so close to the road and a snow plow already hit one of the trees. Edna Mosher said a precedent had already been set when trees near the road side that created hazards have been taken down before. Jack Pare said the trees are reaching an overly mature state, and taking them down will prevent any risks of them falling on their own.

Mike Marconi moved to recommend to the Board of Selectmen that the Planning Board motion stands. Patty Borkland seconded, and all were in favor.

C) Request by **Joe & Heather Kelley** for a curb cut at 325 Fox Point Road, Tax Map 9, Lot 2A

Diane Scott, Heather Kelley's mother came before the Board because Joe and Heather were not able to attend. Chair Hebert asked if the curb cut was 15 feet from abutter's property, and Mrs. Scott said it was. Hebert asked what the width of the drive was, and Mrs. Scott said she was not sure. Chair Hebert asked if there would be a storm drain or swale, and Attorney Bernie Pelech said water drained toward the street. Chair Hebert said they would need to present a plan for stabilizing construction trucks, and Mrs. Scott said they would be bringing in gravel.

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Mike Marconi moved to approve Joe and Heather Kelley's curb cut at 325 Fox Point, Map 9, Lot 2A with the stipulation that a culvert be placed under the drive. Rick Stern seconded the motion, and all were in favor.

4) Preliminary Discussions

A) Proposal by **New England Parts Warehouse** for loading bays at 25 Nimble Hill Road, Tax Map 12, Lot 16

Patrick Geoff with NE Auto Parts came to the Board with his proposal to install (6) 8x8 bay doors at their loading base. Justin Richardson asked if they would be adding any paved areas for the project, and Mr. Geoff said they would not. Rick Stern asked if they were regular loading docks, and Mr. Geoff said they are 2 feet off the ground for cargo vans. Denis Hebert asked if they were working with the Fire Chief and Geoff said they were. Hebert said he would like them to make some adjustments to their outdoor lighting, which is pointing out at traffic. Hebert requested that they tip the lights to the ground, and suggested adding metal shields. After noted that additional construction to an existing building, and didn't require site plan approval.

Mike Marconi moved to approve the addition of the loading bays with the stipulation that the outdoor lighting be adjusted to point toward the ground. Patty Borkland second, 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

Attorney F.X. Bruton and Cumberland Farms Project Engineer, Chris Amula gave a brief review of their new building proposal which would require several variance. Cumberland Farms representative, Paul Wilson said they would keep the existing storage tanks that were installed in 2013, but would reduce the pumping stations from six to five. The purpose of reconfiguring the site layout would be to get better separation from the pump activity and the convenience store.

Chair Hebert asked how the fuel delivery tanks would enter and exit, and Chris Amula said they would come in on Woodbury, and might exit on Gosling. Chair Hebert said he was concerned the trucks would have trouble turning with the snow storage on site. Attorney Bruton said Cumberland's has even smaller sites and they are proactive with snow removal. Patty Borkland said the Cumberland Farms in Greenland is small and does a very good job with snow removal. A brief discussion of alternatives was considered, but Chris Amula said the delivery trucks need to circle around and drop on the right side of the truck.

Peggy Lamson asked what their plans were for green space, and Mr. Amula said they are losing some green space, but have a landscaping plan.

Justin Richardson asked what was their approach to stormwater management. Chris Amula said they have used a closed range system with sumps, and would work with DES. Richardson said he would like them to look at off site environmental impact mitigation.

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Bernie Christopher asked what the hours fuel delivery would occur, and was told it they are open 24 hours, and delivery would be during off peak hours Chair Hebert said the traffic safety plan fails if they are open for business 24 hours and there is a potential for customer vehicles and delivery vehicles being on site at the same time.

Chair Hebert said they had never done so, but were considering a joint Planning Board and Zoning Board meeting. F.X. Bruton said his experience with joint meetings was that they are challenging when Zoning Boards try to do Planning.

C) Proposal by **Wilcox Industries** to expand their manufacturing facility at 25 Piscataqua Drive, Tax Map 27, Lot 22

John Bernier of Bernier Construction, and Peter Landry of Landry Surveying came before the Board for a preliminary discussion of their proposal to expand their below ground firing range, and additional parking above. The project would require a variance to build within 1 foot of the abutting property, and would impact nearby designated wetlands; but the wetlands are considered degraded with low functioning value, plus further impact will occur in the future when Shattuck Way is extended. Peter Landry said mitigation elsewhere in Town had been discussed with the Conservation Commission. Chair, Denis Hebert asked if there was anything new to consider on the road extension proposal, and John Bernier said discussions with PSNH and the Town is ongoing.

Justin Richardson asked how far below the ground the range would be and how the construction would affect the water table since water would naturally flow toward an opening. Mr. Bernier said they would need to use fill, and Peter Landry said the firing range is like an underground vault, and wouldn't create a bathtub effect.

Mr. Richardson said he thought the wetlands were in conservation easement from 2007, and Peter Landry said he read the plan and the DES regulations, and didn't see any easement restrictions. Chair Hebert asked if there would be any need for continued growth, and Bernier and Landry said they didn't know. Jack Pare said it is easier to accept an underground expansion, and asked if it could be moved closer to the other edge of their property. Bernier said they were building a guard shack on the other side, and that project has taken a long time working around the gas lines.

Announcements and Discussions: Chair Hebert announced there would be another Board meeting on Monday, May 20, 2013 to hold a Public Hearing on construction plans for the Langdon Library expansion. Hebert reminded Board members they should consider recusing themselves if they serve on other boards that would cause a conflict of interest. Chair Hebert said it was also important for Board members to be sure that their personal views on whether they did or didn't want a new library not interfere with accepting that it was voted in by a two-thirds majority, and their job now is to assist in planning the best library for the cost, following site review guidelines, and make recommendations to the Board of Selectmen.

Chair Hebert said Library Trustees want to do the ground breaking in July. Justin Richardson said written notification is supposed to be submitted to the Board of

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Selectmen 60 days before construction, and wondered how they could do that if they haven't had a public hearing site review yet. Hebert said he heard construction bids were out, and Jack Pare said they were only cost estimates. Rick Stern said he couldn't understand how they could get a "guaranteed" cost with no time limit. Justin Richardson said he it seemed like asking for a building loan before having a construction plan. Jack Pare said he was not aware of any building construction management at this point either. Peggy Lamson said there is a preliminary plan on display at the library. Chair Hebert said the engineering plans and specs are available .

Justin Richardson said he would like to recuse himself because he thought he would be viewed as being biased since he spoke out against the project. Jack Pare said his wife is on the Historic District Committee, and Denis Hebert and Rick Stern said she is also on the Building Committee. Pare said he was originally against the project until it was revised. Peggy Lamson said her sister-in-law is one of the Library Trustees, and she was in favor of the building, but agreed that any personal views anyone had on expanding the library shouldn't interfere with working on the plan now.

Mike Marconi made a motion for the Planning Board to give a vote of confidence to Town Planner, Tom Morgan who has taken a lot of flak for following through on a difficult job in a small town, and put these Minutes in his personnel file. Peggy Lamson seconded, and all were in favor.

Minutes: ***Mike Marconi moved to approve the Minutes for the April 4 and April 8, 2013 meeting. Bernie Christopher seconded. Peggy Lamson, Jack Pare, and Justin Richardson were absent for the April 4 meeting and abstained from voting. Peggy Lamson did vote on the April 8 minutes, and all others were in favor of both meeting minutes.***

Adjournment: ***Mike Marconi motioned to adjourn, and Bernie Christopher seconded. All were in favor and meeting adjourned at 9:45 pm***

Next Meeting: Monday, May 20, 2013 at 6:30 p.m.

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary