

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, April 8, 2013

- Call to Order:** Chair Denis Hebert called the April 8, 2013 meeting at 6:30 PM.
- Present:** Vice Chair, Mike Marconi; Jack Pare; Justin Richardson; Alternate Member, Peggy Lamson; Board of Selectmen Rep, Rick Stern (arrived at 7 p.m.); Jane Kendall, Recorder; and Thomas Morgan, Town Planner;
- Absent:** Patty Borkland, Bernie Christopher
- Public Guests:** Bernie Pelech; Maria Stowell, P.E., PDA; Sean Tobey and Bill Davidson with Hoyle, Tanner & Associates; Jason Alex; John Lorden, P.E., MSC Engineering; Planet Fitness; Ted Reed, Sprague; A. Michael Mathes; Dorothy Watson; Jeff Jose, Dick's Sporting Goods

1) Public Hearings:

A) Proposal by **Two International Group, LLC** to construct a 2-story medical office building with a 21,682 square foot footprint, with related paving, lighting, utilities, landscaping, drainage and associated site improvements at 25 New Hampshire Avenue.

Peggy Lamson recused herself as she serves as a member of the PDA Board of Directors. Justin Richardson noted that the Board would still have a quorum so long as there were sufficient members present, even if one recused herself from voting.

Sean Tobey with Hoyle, Tanner and Associates presented plan features on behalf of their client Two International Group, noting that the existing landlocked building would be torn down before putting up the new building.

Jason Alex presented their landscaping plans, which he said they would start by removing old growth in the rear, removing invasive species, and adding beneficial native species of bushes and trees, ground covers, and long grasses. Justin Richardson asked if the design was independent of the storm water management plan or if it was part of it with raised beds. Jason Alex said it was independent of the storm water plan, with very little grading. Sean Tobey said the drainage was split in half to reduce the volume of run off going into the city system, and Hodgdon Brook, which flows from Newington to Portsmouth. Justin Richardson recommended presenting the landscaping plan to the Conservation Commission. Chair Denis Hebert said they could, but he didn't think there appeared to be any serious issues with the landscaping plan, and hated for the project to held up unnecessarily waiting until the Conservation Commission was effectively restructured.

Justin Richardson asked about storm water treatment, removal efficiency, and maintenance plans. Richardson said he was concerned with the maintenance plans getting lost and the Town getting hit with issues twenty years later, and said it is

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important to specify objectives in the management plan. Bill Davidson with Tanner, Hoyle and Associates said they had a 4-foot holding tank for sediment, and DES requires it be cleaned out when half full. Town Planner, Tom Morgan agreed that a storm water management plan would be a good idea, and important to specify who would be responsible for maintenance. Maria Stowell, P.E. with PDA said the Board could add a condition for a storm water management plan. Mike Marconi asked what Pease does for a management schedule, and Sean Tobey said individual property owners usually do their own maintenance once a year. Maria Stowell said the developer typically hires a property management company, and the PDA requires maintenance records. Denis Hebert expressed concern with what would happen when maintenance contracts run out, and Tom Morgan suggested it would be best to list the owners as the responsible party. Representing Attorney Bernie Pelech said the entire infrastructure had been reviewed by the City of Portsmouth and received favorable recommendations. Tom Morgan asked when they would go before the City of Portsmouth for a site review, and Sean Tobey said they were scheduled for April 18th.

Denis Hebert asked what happens with the affluent fluid in the storage tank under the parking lot. Sean said they intended to remove the tank and install sump pumps, and the water would evaporate. Hebert said a lot of oil comes into parking garages, which doesn't evaporate and asked what they would do about the oil. Tobey said it would be cleared. Hebert said he thought oil separators worked better. Maria Stowell said pumps were recommended, and Bill Davidson said their research showed most parking lots have dry sumps, which doesn't empty into the soil. Chair Hebert said Altus Engineering's review was of the tank shown on the plan, not pumps.

Tom Morgan asked Mr. Tobey if they had looked at the project review, and to respond to Altus Engineering's questions about the driveway at the rear with limited site distance, and their recommendations for altering the plan. Sean Tobey said the existing berm would be removed and leveled to improve visibility.

Denis Hebert asked about the Traffic flow, and if there had been a traffic study. Sean Tobey said there would be a slight increase. Maria Stowell said the PDA did a traffic study three years before, had discussed a 4-way stop, but the study determined it was not warranted at the time. Chair Hebert said they would need to come back to the Board to review the next traffic study.

Hebert continued the Public Hearing for next month on May 13, 2013.

B) Proposal by **Planet Fitness** for a 4,277 square foot expansion of their offices at 30 Fox Run Road, Tax Map 26, Lot 2

John Lorden returned to the Board with minor revisions after last month's preliminary review. Lorden said what they thought was an infiltration basin turned out to be just a catch basin, with a line connecting to another catch basin. They planned on removing the piping, installing a yard drain, and tying the catch basins into one another. Denis Hebert asked where the flow goes, and Lorden said it eventually leads to the pond behind J.C.Penny's.

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Tom Morgan said the Building Inspector said the walkway goes down a steep banking, is not consistent with ADA requirements, and could be an issue for wheelchairs. John Lorden said they could make changes if not compliant with ADA.

Mike Marconi moved to approve the proposal by Planet Fitness for a 4,277 square foot expansion of their offices at 30 Fox Run Road, Tax Map 26, Lot 2 as being substantially complete, with the condition of making the walkway ADA compliant. Peggy Lamson seconded, and all were in favor.

2) Old Business: Status report on improvements to Sprague's Bloody Point Terminal.

Ted Reed came before the Board with an update on the improvements that were approved last year. Ted said they are waiting for the blueprints to get their building permit, the conveyor system will be arriving on September 1, 2013, and off loading will begin around November 1, 2013.

Tom Morgan asked how many ships and trucks would be coming in, and Ted said they would be in operation from 5 am. To 7 p.m. for four days. Tom Morgan asked if the truckers were being paid hourly with an incentive to drive fast, and Ted said they were paid by the load.

Denis Hebert asked if there was anything in place to prevent dust build up on the road, and Ted said they mist the rock and keep it covered. Justin Richardson asked where the water sprayed on the gypsum rock goes, and Ted said there is no discharge, it stays on the rock. Denis Hebert said he would like a written maintenance report submitted.

3) Curb Cut Application: Michael Mathes for land at corner of Nimble Hill Road and Fox Point Road

Michael Mathes said his original 2004 curb cut application had expired, and he had applied for renewal. Denis Hebert said he thought the original application was granted with conditions that trees be cut to clear the line of sight. Tom Morgan referred to the original November 24, 2004 driveway permit from DOT when Nimble Hill was a state road. Chair Hebert said he recalled the stipulation to cut the trees to improve the line of site, and for plowing may have been on the subdivision approval. Mr. Mathers said the original plan was to build up the driveway to improve the line of sight. Tom Morgan agreed that the primary safety concern is the distance from the drive to the top of Nimble Hill Road. Justin Richardson said the typical line of sight goal is 400 feet. Tom Morgan said the Town requires 100 feet. Justin Richardson suggested the Board approve the curb cut with the condition of 100 feet. Denis Hebert said he would still need to cut trees to improve the line of sight, and there would also be a concern with water building up and running off into the nearby wetlands. Hebert asked if the driveway could come out on Fox Point Road, and Mr. Mathers said that would require crossing the wetlands.

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Mike Marconi moved to approve Michael Mathes' application for a curb cut at the corner of Nimble Hill Road and Fox Point with the condition that vegetation be removed for a 100 foot line distance as stated on the 2004 subdivision and specifications 1-7 of the November 24, 2004 State Driveway Permit. Peggy Lamson seconded, and all were in favor.

4) Preliminary Discussions

A) Proposal by Dick's Sporting Goods for storage trailers at the Crossings. Dick's Sporting Goods Manager, Jeff Jose informed the Board that all the storage trailers behind the building were gone except one. Mr. Jose asked if they could reapply for another 90 day permit for more storage trailers, and Chair, Denis Hebert said they would have a problem getting a permit year after year since the permit was intended for one time temporary storage exceptions like construction, not each sales season. Mr. Jose said they stock and sell hundreds of boats during several sales events each year. Hebert said it seems like their store is 10,000 feet short, and suggested that they look into some kind of outside "cold" storage, or offsite storage, and come back to the Board with another proposal. Several offsite storage suggestions were made, so that a few boats could be kept on site, and then replaced as sold, or to have customers pick their purchases up at the storage site as other retailers have done.

B) Proposal by Lutheran Church for building alterations at 22 Fox Run Rd. Two members of the Lutheran Church came before the Board with a plan to convert their porch with a shed into a 6-1/2'x21' closed-in addition for an office area.

Mike Marconi moved to take no jurisdiction. Peggy Lamson seconded, Justin Richardson abstained to avoid appearance of conflict because his partner is a member, and all others were in favor.

5) Other Business: Electronic Reader boards

Tom Morgan informed the Board that two major retailers who are interested in switching their signage to LED reader boards had contacted him. Peggy Lamson said she regretted not objecting more often to proposals considering that Woodbury Avenue is the business entrance of Newington and doesn't look good as it is. Lamson said she would also like to see more trees on the industrial corridor of Shattuck Way. Justin Richardson mentioned the driver distraction from LED reader boards along Route 1 in Revere, MA, and the questions that would come up in regulating content. Richardson asked about the zoning ordinance, and also about illumination since many towns are trying to make "dark sky" ordinances to control light pollution. Tom Morgan said there are many pillion signs that businesses could request reader boards, but current regulations prohibit signs that move. Chair, Denis Hebert said there is an ordinance for exterior lighting to shine downward. Justin Richardson suggested looking

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at other towns' ordinances, and Denis Hebert said they should also look into improving the storage trailer ordinance.

6) Election of Officers

Peggy Lamson moved to re-elect Denis Hebert as Chair to the Newington Planning Board. Mike Marconi seconded, and all were in favor.

Peggy Lamson moved to re-elect Mike Marconi as Vice Chair to the Newington Planning Board. Justin Richardson seconded, and all were in favor.

Rick Stern moved to elect Justin Richardson as Planning Board Representative to the Zoning Board of Adjustment. Peggy Lamson seconded, and all were in favor.

Rick Stern moved to nominate Jack Pare as an alternative representative to the ZBA. Peggy Lamson seconded, and all were in favor.

7) Additional Discussions

Chair Hebert said the RSA's have been expanded to encourage boards working together, and it might be a good idea to put more joint board meetings into practice. Justin Richardson suggested writing a letter to ask if the Planning Board and Zoning Board could meet together. Though applicants could refuse, Denis Hebert said any applicant that refused would be under some suspicion of hiding something. It was also noted that Attorney Paul Sanderson from the Local Government Center informed the Board that Board members can also sit in on Board meetings as members of the public and make comments during hearings.

Minutes: ***Mike Marconi moved to accept the March 11, 2013 Minutes. Peggy Lamson seconded, Justin Richardson was not in attendance and abstained, and all others were in favor.***

Mike Marconi moved to accept the March 25, 2013 Minutes with corrections. Peggy Lamson seconded, Justin Richardson abstained and all others were in favor.

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

Next Meeting: Monday, May 13, 2013

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary