

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, March 11, 2013

Call to Order: Chair Denis Hebert called the March 11, 2013 meeting at 6:31 PM.

Present: Vice Chair, Mike Marconi; Patty Borkland; Bernie Christopher; Jack Pare; Dick Spinney; Alternate Member, Peggy Lamson; Board of Selectmen Rep, Rick Stern; Jane Kendall, Recorder; and Thomas Morgan, Town Planner

Public Guests: John P. Lorden, PE with MSC Civil Engineers for Planet Fitness; Ed Boker with Bay Auto Body, and Brian Short with Custom Pools

1) Public Hearings:

A) 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, PE with MSC Engineering came before the Board on behalf of their client, Planet Fitness with their plans. Discussion ensued regarding the effects of their expansion on storm water runoff. Mr. Lorden said they were proposing to limit the number of parking spaces from the allowable 208 to 192, and would be removing some of the pavement and putting in crushed stone for drainage to mitigate the increase in the building footprint.

Alternate Board member, Peggy Lamson asked if they would be using salt, and John Lorden said he couldn't say for certain, but that he thought they would be using a combination of salt and sand. Peggy Lamson said they needed to be cautious and limit the amount of salt used that would runoff into the local waterways.

Jack Pare asked about the current drainage system, and John Lorden said he thought there was a filtration system that was not connected to anything. Board Chair Denis Hebert asked if there was a leach field, and Lorden said it looked as if there was a leach catch system. Chair Hebert said they should reassess for worst storm events with a leach field to handle it. Lorden said they would have to design an enormous system to handle a worst storm event, but theirs would be designed to handle a 10-25 year storm. Chair Hebert said they still needed to submit a design plan to show how storms would be handled. Selectmen, Rick Stern reiterated that Chair Hebert was saying that the applicant couldn't make a claim that they were improving the plan if they didn't know what they had in the first place. Vice Chair, Mike Marconi said Planet Fitness should have a copy of the drainage system design. Peggy Lamson asked Town Planner, Tom Morgan if the Town would still have a copy of the plan. Tom Morgan said they probably wouldn't have the building plans, might have the site plan, but might not have the drainage plan. Lorden said it sounded as if they were being asked for a storm water report. Jack Pare said that it would not be warranted.

Tom Morgan reminded the Board that the applicant would be meeting with the Zoning Board of Adjustment on April 1 to request a variance for expanding a non-conforming structure.

Jack Pare moved to continue the Planning Board public hearing until Monday, April 8 after the applicant had requested a variance at the April 1, 2013 ZBA meeting. Patty Borkland seconded, and all were in favor.

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B) Proposal by **Bay Auto Body** to service motor vehicles on the Custom Pools property at 373 Shattuck Way, Tax Map 8, Lot 1

Mike Marconi informed the Board that he has his vehicle serviced at Bay Auto. Chair Denis Hebert asked Mr. Marconi if he thought he could consider the application without bias, and Mr. Marconi said he could.

Ed Boker, proprietor of Bay Auto Body for the last 25 years said his lease ran out on December 31, 2012 after 21 years at Shattuck Way, and he had used up his retirement funds when the rent went up to \$9,100 a month, so he decided he had to move out. Boker said he had already been servicing Custom Pools vehicles in their shop, and Brian Short said the shop used to be an inspection station for their own vehicles and he was willing to lease out the shop to Boker for his business. Short said he would resurface the parking lot, and Boker said they would add eight additional parking spaces, but make few other changes. Mike Marconi asked if they could plant trees to improve the appearance, and Ed Boker said he would make it look good.

Mike Marconi asked if the building would have bathrooms, and Brian Short said it would not, that they would use the bathroom in the shop. Ed Boker said he would be retaining five employees and himself.

Board Chair, Denis Hebert asked Town Planner, Tom Morgan if he thought it would be a permitted use, and Morgan said he didn't think it would be because vehicles had been serviced there for many years. Rick Stern said Custom Pools was servicing their own vehicles, not as a service to others. Tom Morgan said the Board would need to make a determination.

Mike Marconi said he agreed that it was not a change of use. Peggy Lamson said she also agreed, and thought the Town should support good business relationships. Bernie Christopher said he also agreed. Chair Hebert said he agreed with wanting to be a good neighbor and assist local businesses, but was concerned with setting precedence. Jack Pare said the use for mechanical repairs existed prior to zoning and would be grand fathered in.

Tom Morgan suggested the Board make a finding, and determine if the applicant needed a variance. Peggy Lamson said she thought they would just need to make a stipulation. Denis Hebert asked about the condition of the building, and Brian Short said it was a basic post and beam building. Ed Boker said there was a four-foot cement wall. Hebert said the Fire Chief should inspect the building, and Mike Marconi said he would be willing to go with the Chief during the inspection.

Mike Marconi moved to accept Bay Auto Body's proposal to service motor vehicles on the Custom Pools property at 373 Shattuck Way, Tax Map 8, Lot 1 as has been done over the last twelve months, without proposing an expansion, with the stipulation that the Fire Chief will do an inspection. Bernie Christopher seconded, and all were in favor.

2) New Proposals and Preliminary Discussions

Several applicants were on the agenda, but did not appear. There was a brief discussion on the issue of retailers at the Fox Crossings placing storage trailers at the back of the building that could impede access of emergency vehicles. Tom Morgan said the company that manages the shopping center should be aware of the situation, and suggested that Town counsel, Attorney Rattigan could draft a letter.

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3) Additional Discussions

A) Tom Morgan passed out a letter from COAST Transportation regarding their proposal for a bus shelter and platform on the Newington side of Gosling near the back of ToysRUs. Peggy Lamson suggested they also put a shelter on Fox Run Road, and Tom Morgan agreed. Morgan said COAST would like to come to one of the Board meetings to make a presentation. Mike Marconi asked Tom about the status of the Tyco sponsored bus stop on Shattuck Way, and Tom said he was still in the process of working on it.

B) Tom Morgan said Wilcox Industries contacted him about expanding Shattuck Way to link in with Gosling Road, and expressed interest in contributing to the project. PSNH has already contributed land and \$275,000.

Morgan said they would need to determine if the sewer line would continue along with the expansion, and the expense involved. Jack Pare said it would be cheaper to do now than later. Tom Morgan said he asked the Sewer Commission to ask their engineers who said to ask the Planning Board. Chair Hebert said there are two lots behind Wilcox belonging to PSNH that can be developed, one being big enough for another power plant. Hebert recommended getting Town counsel involved. Tom Morgan said it might make sense to have a joint meeting with the Sewer Commission and their engineering consultants. Morgan said they might also be able to get more contributions if they could nail down the costs.

Chair Hebert informed the Board to be prepared for a lot of work, recalling that he had cancelled his vacation plans for two years in a row when Shattuck Way was being developed.

C) A brief discussion ensued regarding issues with applicants not following through with stipulations, and the best way to enforce them. Tom Morgan noted a problem occurred when the responsibility for inspection fell on one person like the building inspector with no backup, instead of an engineering firm. Denis Hebert said he was also concerned with the Planning Board not having an engineering consultant overseeing stages of development, and only the BOS carrying the excavation bond to protect the road when digging for utilities. Rick Stern said the reason the BOS decided to take over the excavation bond was that some contractors were going to the Board, but others were not, so this would enable the BOS to control the excavation permits with bonds.

Minutes: *Mike Marconi moved to accept the February 25, 2013 Meeting Minutes. Peggy Lamson seconded. Jack Pare and Rick Stern were absent for the meeting and abstained. All others were in favor.*

Adjournment: Mick Marconi motioned to adjourn, and Patty Borkland seconded. All were in favor and meeting adjourned at 8:00 pm

Next Meeting: Monday, March 25, 2013

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