

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, January 14, 2013

- Call to Order:** Chair Denis Hebert called the January 14, 2013 meeting at 6:30 PM.
- Present:** Vice Chair, Mike Marconi; Jack Pare; Alternate Member, Peggy Lamson; Dick Spinney; Jane Kendall, Recorder; and Thomas Morgan, Town Planner
- Absent:** Patty Borkland; Bernie Christopher; and Board of Selectmen Rep, Rick Stern
- Public Guests:** David Vincent, Surveyor for Konstantin Routetski; Patrick Crimmins and John Lorden with MSC Engineers for Great Bay Services; Dawn Lewis, Executive Director for Great Bay Services; Paul Aucoin with Dick's Sporting Goods; David Choate, Realtor

1) Public Hearings:

A) Proposal by **Konstantin & Lilia Routetski** for a 2-lot subdivision at 17 Swan Island Road, Tax Map 53, Lot 15

David Vincent, surveyor for the Routetski's passed out an updated lot plan showing the driveway curb cut, and new additions to the house. State approval for the second lot was noted on the plan. Board Chair, Denis Hebert said Planning Board approval would need to be contingent upon the driveway coming out on Swan Island Road, not Newington Road, which is a State road.

Dick Spinney asked what size the house would be, and David Vincent said the application was only for a subdivision. Town Planner, Tom Morgan said the lot could be for a single or duplex dwelling. Mike Marconi asked where the house would be placed, and Mr. Vincent showed the entire building envelope on the plan. Peggy Lamson asked where the septic would be, and David Vincent said they dug two test pits.

Mike Marconi moved to approve the proposal by Konstantin & Lilia Routetski for a 2-lot subdivision at 17 Swan Island Road, Tax Map 53, Lot 15 contingent upon keeping the driveway cut on Swan Island as shown on the plan presented. Dick Spinney seconded, and all were in favor.

B) Proposal by **Great Bay Services** to expand their facilities at 2061 Woodbury Avenue, Tax Map 27, Lot 2

Patrick Crimmins and John Lorden with MSC Engineers came before the Board with their updated plan for expansion. Mr. Crimmins pointed out that they had changed the turn of the back entrance to a 25-foot radius based on comments made during last month's meeting. Board members raised more questions about traffic control.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, January 14, 2013

Mike Marconi asked about changing one of the entrances to a one-way. Patrick Crimmins said their plan removed one of the driveways. Peggy Lamson asked if they reviewed the plan with a traffic consultant. Chair Hebert said he thought it had already been discussed, and Jack Pare noted that the traffic light helps bunch the traffic. Dick Spinney asked about delivery truck patterns, and Great Bay Services Executive Director, Dawn Lewis said they enter from Piscataqua Drive. Mr. Crimmins said they could add a right turn only.

Peggy Lamson pointed out that the landscape plan utilizes a rain garden, and Mr. Crimmins said the random and natural placement of plants strives to filter and absorb runoff pollutants.

Jack Pare moved to accept the proposal by Great Bay Services to expand their facilities at 2061 Woodbury Avenue, Tax Map 27, Lot 2, contingent upon adding a 25-foot radius to the driveway. Peggy Lamson seconded, and all were in favor.

C) Proposed Amendments to Article XI of the Zoning Ordinance:

1) Setbacks for signs in the Residential District

Mike Marconi moved to accept Amendments to Article XI for setbacks for signs in the Residential District as advertised. Jack Pare seconded, and all were in favor.

2) Time limits and size limits for advertising agricultural products

Mike Marconi moved to accept Amendments to Article XI for time limits and size limits for advertising agricultural products as advertised. Jack Pare seconded, and all were in favor.

2) New Business Proposals

A) Proposal by **Dick's Sporting Goods** to place eight storage trailers behind their store at the Crossings at Fox Run, Tax Map 34, Lot 3

Sales manager, Paul Aucoin with Dick's Sporting Goods at the Crossings at Fox Run came before the Board after being informed by the Town building inspector that permits are required to have storage trailers behind the building. Mr. Aucoin said they had up to ten trailers in the back and were now down to eight. Board Chair, Denis Hebert said the Board takes a hard stance on so many trailers. Aucoin said the store has been there since 2004, and there had been no previous inspections, and management was not familiar with the ordinance. Town Planner, Tom Morgan said that was before the current building inspector. Chair Hebert said there were only thought to be a couple of trailers for temporary storage and a fee paid, but more appeared before Christmas. Mr. Aucoin said they actually need throughout the year, especially in the upcoming months for storing 500-600 canoes and kayaks, but will do whatever is required. Chair Hebert said there is a concern for a fire safety hazard of that many

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, January 14, 2013

trailers getting in the way of emergency vehicles, as well as concern for setting a precedent with other stores.

Mike Marconi asked what other branches do at other malls, and Mr. Aucoin said it depends on the mall – one of them not allowing trailers, but having twice as much on site storage space for the same volume of business. Jack Pare suggested hanging the kayaks from the ceiling vertically to take up less space. Mr. Aucoin said doing so would impinge on the racking and storage of other items. Chair Hebert said they might need to seek other solutions within the guidelines of the ordinance. Jack Pare then suggested installing an unheated fenced in storage area similar to that used by L.L.Bean and the Kittery Trading Post for their watercraft storage. Tom Morgan said they would still need to speak with the Town building inspector. It was also suggested that they might contact a nearby storage facility.

B) Proposal to establish a new use for the Butler Building on the former Thermo Fisher property at 25 Nimble Hill Road, Tax Map 12, Lot 16

Realtor, David Choate came to the Board for guidance regarding his client NE Auto Parts interest in leasing out the Butler Building, a separate building from their main building which they are using and leasing back 35,000 square feet of the 130,00 square feet total to Thermo. Chair, Denis Hebert said Article 4, page Z12 states there is to be no more than one “principal” building per lot, and leasing to another entity would create another principal in another building on the same lot. Hebert noted that Allard’s is an exception after there was a fire, and the fire chief requested one of the businesses go into a separate building for safety reasons. He also noted that the Crossings at Fox Run dealt with the issue by subdividing.

Peggy Lamson asked if they would need to request a variance, and Town Planner, Tom Morgan said the Board would need to make that determination, or would need to rewrite the ordinance. Denis Hebert said the ordinance says there are special exceptions and this seems to be a special exception, which needs to go to the Zoning Board of Adjustment because the campus is broken up. Tom Morgan pointed out that an exception is different than a variance, and a variance is based on a hardship from being denied by the Planning Board following regulations. Jack Pare suggested making a recommendation to the ZBA, and Tom Morgan said they could, but the preference would be to change the ordinance, which was written in 1952.

Chair Hebert asked David Choate what the building would be used for, and Mr. Choate asked what would be a permitted use. Denis Hebert said it would be okay if there were a use supporting the primary building. David Choate said he had suggested the owner consider using a small portion of the building for their own use, and lease the remainder so the building would still be considered as being used by the “principals”. Denis Hebert said that would be fine so long as it was for a permitted use. Choate said the owner would be particular on what kind of use, but Choate expressed concern for the Catch22 that they couldn’t go to the ZBA if they didn’t have a tenant in mind, and can’t sell the lease if they need a variance. Choate suggested they consider rewriting the ordinance rather than going to the ZBA.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, January 14, 2013

Jack Pare moved that the Planning Board permit use of multiple tenants within the former Thermo Fisher campus at 25 Nimble Hill Road, Tax Map 12, Lot 16 with the provision that the primary owner utilizes a portion of all buildings, without such, the owners would need to go to the ZBA for a variance. Peggy Lamson seconded, and all were in favor.

3) Old Business:

A) Olive Garden footbridge

Town Planner, Tom Morgan informed the Board that Town Counsel, F.X. Bruton and the Board of Selectmen have asked the Planning Board to make a motion showing no interest in continuing with the \$15,000 that has been held in an escrow account for a bridge that was to be built behind what was a theatre nearby, but is now IHOP. The escrow account and plan for a bridge was part of the original contingency for approval of the Olive Garden, but is no longer necessary.

Mike Marconi moved that the Olive Garden no longer needs to build the bridge that was a contingency of their original approval. Jack Pare seconded, and all were in favor.

B) TWA, 521 Shattuck Way

Mike Marconi moved that the Planning Board endorse the exchange of a piece of 10' by 40' Town-owned land in exchange for an easement in favor of the Town for the maintenance of storm water pipe on Mr. Adelman's property. Jack Pare seconded, and all were in favor.

C) FEMA Mapping

Tom Morgan and Jack Pare updated the Board on the status of FEMA floodplain mapping, noting that they tried to get FEMA to fix their maps showing the 100-year flood plain. Faye Rubin at UNH is now working with FEMA to update the maps, and FEMA is not working with the Town. Jack Pare said he gave courtesy copies of everything he sent to FEMA, but there are discrepancies on the map elevations and small marshy areas. However, Jack and Tom said they thought they might as well go along with the FEMA maps for the sake of politics and it will be safer to make certain residents aware that they are in the floodplain. Tom Morgan also noted that FEMA included Great Bay on their maps.

Mike Marconi moved to let Fay Rubin at UNH know that the Planning Board accepts her proposed DFIRM floodplain lines. Dick Spinney seconded, and all were in favor.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, January 14, 2013

4) Pending Business Discussions:

- A) Thermo Fisher wants to build a sidewalk and deck. The Planning Board decided to take no jurisdiction.
- B) While discussing a joint training session on February 25, 2013 with the ZBA, Dick Spinney suggested the Town building inspector attend, and Denis Hebert suggested the fire chief as well. Mike Marconi also suggested Paul Sanderson with LGC.

Correspondence:

Tom Morgan shared an email from NAPA Auto Parts regarding a pick up service after they already received approval to operate a wholesale distribution operation. Denis Hebert said that would be an accepted use so long as they weren't running a retail business.

Minutes: ***Mike Marconi moved to accept the Minutes of December 10, 2012. Peggy Lamson seconded, and all were in favor.***

Adjournment: ***Mike Marconi motioned to adjourn, and Jack Pare seconded. All were in favor and meeting adjourned at 8:30 pm***

Next Meeting: Monday, February 11, 2013
February 25, 2013 Joint Work Session with ZBA

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary