

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – April 9, 2012

Call to Order: Chair Denis Hebert called the April 9, 2012 meeting at 6:30 PM.

Present: *Planning Board Members:* Mike Marconi, Vice Chair; Patty Borkland; Bernie Christopher; Jack Pare; Dick Spinney; Alternate Member, Peggy Lamson; Board of Selectman Representatives, Rick Stern and Jack O'Reilly
Conservation Commission Members: Co-Chair, Justin Richardson; Marge Hislop, Peggy Lamson, Dorene Stern; Jim Weiner
Jane Kendall, Recorder; and Thomas Morgan, Town Planner

Absent: *Planning Board Alternate Member:* Cliff Abbott
Conservation Commission Members: Co-Chair Jane Hislop; George Fletcher, Nell Ann Hiatt

Public Guests: Darren Larry, Project Manager with Wright Pierce for City of Portsmouth Water Department; Jane & Mike Mazeau; Jeff Philbrick; Jeff Murray, CMA Engineers for Georgia-Pacific; Alicia Busconi, SBAF Running Fox, Inc; Tim Doyle, Napoli Group; Jim Giarrusso, McDonald's Inc; Hussein Sevincgie, PE;

1) Presentation by Wright Pierce, Inc regarding proposed relocation of water main along Shattuck Way near Exit 4

Wright Pierce Project Manager, Darren Larry, representing City of Portsmouth Water Department came before the board with their proposal to move their 10-inch water main to Shattuck Way due to upcoming construction on the Spaulding Turnpike. Mr. Larry said they will need to do some test borings to determine the depth of the bedrock, and would like to run the pipe under the sidewalk for the least disturbance, but would also need to go under the travel lane below the overpass. Board Chair, Denis Hebert asked if they would be off pavement when doing the testing, or if they would be blocking traffic. Mr. Larry said they hope to be off pavement, but also might block traffic when coming and going.

Planning Board Vice Chair, Mike Marconi asked what size the new pipe would be, and Mr. Larry said it would change from a 10-inch to a 12-inch pipe, and tap in at the fire hydrant.

Chair Hebert asked why they hadn't considered laying the pipe on the other side of the street where there are no sidewalks, and Mr. Larry said they had considered it, but found there are restrictions with catch basins, 5-year old pipes, and storm drains that wouldn't allow enough space.

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Chair Hebert asked if there were plans for a fire hydrant in the future and Mr. Larry said there were and that they had already spoken with the Fire Department.

Conservation Commission Co-Chair, Justin Richardson asked if they had spoken with Northern Utilities who are drilling and installing a new gas pipeline in the area, and Mr. Larry said yes, they were working with them. Richardson asked if there were any other utility structures in the area, and Mr. Larry said no other utilities would be intersected.

Chair Hebert then opened questions to the public.

Justin Richardson asked if the City of Portsmouth Water Department franchise is under any obligation to maintain all water mains in Newington, noting an issue near Swan Island, and the Town of Newcastle. Richardson asked if the Town of Newington have rights established. Alternate Board member, Peggy Lamson asked Richardson for clarification. Richardson said due to past decisions going back to when Pease was established, and a 1980 decision stating the franchise is for a limited area, and another that says it covers the whole Town, he is concerned that the City of Portsmouth may say it is not their responsibility if residents have problems with their water. Chair Hebert said the City of Portsmouth has permission to maintain existing pipes, but they have to go before the Board for permission to install new pipes. Town Planner, Tom Morgan said they are required to go before the Board for permission for a right of way. Chair Hebert said it would need to be established whether anyone could tap into the public utility.

Tom Morgan asked what "Plan B" would be if a lot of bedrock is found. Mr. Larry said there are not a lot of other locations. Chair Hebert said he wants to make sure none of the drilling material goes into Great Bay and is disposed of properly. Mr. Larry said they would be following standard procedure for drilling and disposal.

Board of Selectman, Jack O'Reilly said they would need to see a copy of their bond to cover any possible damages to the Town. Mr. Larry said they would like to do their boring tests on Tuesday. Dennis Hebert said the City of Portsmouth is bonded so it shouldn't be any problem to have their insurance company fax their certificate of insurance to the Town. Vice-Chair Marconi asked if they would be removing any trees. Mr. Larry said they would not, but if any were damaged, they would be replaced.

Mike Marconi motioned that Wright Pierce, Inc fax a copy of their bond to the Town of Newington so they may begin their bore testing. Bernie Christopher seconded, and all were in favor.

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2) Public Hearing & Joint Meeting with the Conservation Commission: Proposal by **Michael & Jane Mazeau** for lot line adjustments and subdivision approval to convert two lots into five lots at 124 Fox Point Road, Tax Map 11, Lots 13 & 14

Mike Mazeau presented his most recent plan prepared by David Hislop, noting that the storm water drainage plan had been presented a couple of weeks ago to the Board. Mazeau said he submitted wetlands permit to DES three weeks ago, and would bring a wetlands scientist to the Conservation Commission meeting scheduled for Thursday, April 12, 2012. Mazeau said a hydrant plan was created and reviewed by the Town fire chief who felt it was adequate. Mazeau said a culvert plan was also submitted and a maintenance easement would be deeded to the Town. Mazeau said he also met with Public Service regarding utilities. Town Planner, Tom Morgan said he had received a letter from the fire chief, but approval had not been finalized, and the Town's civil engineer would review the plan.

Conservation Commission Co-Chair, Justin Richardson said he had received a letter from Dori Wiggins at DES, which said they didn't want to see wetlands crossings. Mr. Mazeau said that letter was written in response to an initial plan when developer Paul Hollis was involved before they learned that the Planning Board wouldn't approve of shared driveways. Richardson said it was confusing because Wiggins' letter said they didn't want to see wetlands crossings, then the shared driveway plan was dropped, and now the new plan has increased wetlands crossings. Planning Board Chair, Denis Hebert said Town ordinance doesn't allow shared driveways, but does allow roads, which reduce wetlands impacts. Richardson said it comes down to determining what kind of development the Planning Board will accept. Hebert said it comes down to determining how to limit wetlands impact while being fair to the landowner. Mazeau said they had considered doing more lots or cluster housing, including workforce housing with 12 lots near the pond before discovering they couldn't do a shared driveway. Mazeau said out of 16 acres, the current proposal impacts 1% or 11,000 square feet of wetlands crossings altogether, but it has never been his intention to put as many units as possible on the lots.

Planning Board Chair Hebert opened the discussion to the public.

Board member, Dick Spinney said he saw no depictions of the stream in the back that goes behind Coleman Drive, which floods several crossings during heavy periods of rain. Mike Mazeau said the plan is designed to contain runoff from property lots with culverts. Chair Hebert expressed concern for past problems with properties with damming ponds and streams that would run through adjoining properties. Planning Board Vice-Chair, Mike Marconi said they could put language in the deed that would restrict uses.

Commission member, Jim Weiner asked if the design would add more water to the wetlands, and Mazeau said the driveways would somewhat. Board member, Bernie Christopher said the impact could be reduced with the use of pervious gravel or pavement, and rain gutters feeding into drywells. Justin Richardson said the driveways would need to be built up in order for pervious materials to work, and trucking materials in would be a further impact to the wetlands. Commission member, Nancy Cauvet said they could also limit the size of the houses to reduce impact. Commissioner Peggy

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Lamson asked if they were proposing each home would have separate wells, and Mr. Mazeau said they would leave that up to individuals.

Co-Chair Richardson said the proposal would come before the Conservation Commission to review the wetlands impacts, but cautioned the Board that once the subdivision lines are drawn, the Town's hands would be tied. Denis Hebert said the Board would consider the Commission's concerns carefully. Justin Richardson said one of the special exceptions criteria for wetlands crossing is that there is no alternate route feasible which has to be proved. But when looking at the original plan as a road instead of a shared driveway, Richardson noted there is a feasible alternative to wetlands crossings. Denis Hebert said they would need to consider if it is beneficial to the Town to put in a new road, which would add more infrastructure, or if there is another reasonable means through the wetlands.

Board member, Patty Borkland said her personal opinion was that they seem to have designed fewer lots than they might have, and she didn't see the driveways as being any worse than a road. Board member, Jack Pare agreed that by the time they installed a road and cul-de-sac, they would have more imperious surface with runoff. But Justin Richardson pointed out that there would be many more feet of driveway compared to a road, which would avoid wetlands crossings even with the curb cuts and cul-de-sacs.

Board of Selectman, Rick Stern said the Town of Newington asks for minimum of \$5,000 bond with excavation permits. Tom Morgan said the Town holds a letter or cash.

Tom Morgan said the state law says that the Planning Board can make a decision to accept the plan as substantially complete, but that it is not the same as approved.

Mike Marconi made a motion that the plan is substantially complete. Bernie Christopher seconded. Dick Spinney abstained, and all other Planning Board members were in favor.

Mike Marconi moved to have an engineer for the Town review the plans. Patty Borkland seconded and all were in favor.

Commission Co-Chair Richardson asked Planning Board Chair Hebert if the Planning Board would pay the Commission's share of the Minutes, and Hebert agreed.

Adjournment: Co-Chair Justin Richardson motioned to adjourn. Peggy Lamson seconded, and all were in favor. The Conservation Commission meeting adjourned at 7:50 p.m.

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3) Planning Board Hearings:

A) Proposal by **Georgia Pacific** for a 620 square foot extension of the propane fueling station canopy at 170 Shattuck Way, Tax Map 20, Lot 2

Jeff Murray with CMA Engineers for Georgia Pacific came before the board with their plans to extend the roofline for their fueling station. Murray said they would coordinate with the Fire Chief for final approval, and are going to the Zoning Board of Adjustments next week for a variance.

Mike Marconi asked if they are using a fire retardant material, and Murray said they are not, they are just using distance, which will be inspected. Rick Stern asked if forklifts would be further from the building and Murray said they would be.

Bernie Christopher moved to accept the plan as substantially complete. Patty Borkland seconded, and all were in favor.

Bernie moved to approve the plan on condition of approval by the ZBA. Patty seconded. Mike Marconi abstained, and all other members voted in favor.

B) Proposal by SBAF Running Fox, Inc for **Site Changes to McDonald's** Restaurant at 49 Gosling Road, Tax Map 34, Lot 3.

Representatives, Hussein Sevincgie, PE; Tim Doyle, Napoli Group; Jim Giarrusso, McDonald's Inc, and Alicia Busconi for SBAF Running Fox, Inc came before the Board with a proposal to re-develop the driveway at the back of McDonald's to improve the drive-thru and add another menu board and ordering station further from parking, as well as update the signage, and façade to unpainted, natural brick. Jim Giarrusso said they would be moving the trash and recycling enclosure closer to the building. After a brief discussion with Board members regarding the appearance of the proposed Trax enclosure, Mr. Giarrusso agreed to match the enclosure with the brick façade.

Mike Marconi asked about runoff drainage, and Sevincgie said the lot would be graded for flow to catch basins. Alicia Busconi said they are investigating a possible clogged culvert at the adjacent Longhorns lot, and will clean them. Peggy Lamson said Best Management Practices had been discussed when Longhorns first went in.

Mike Marconi moved to accept the plan as substantially complete. Rick Stern seconded, and all were in favor. Tom Morgan asked them to return to the Board at their next meeting on May 14, 2012.

4) Election of Officers

Rick Stern motioned for Denis Hebert to continue as Chair. Mike Marconi seconded, and all were in favor.

Rick Stern motioned for Mike Marconi to continue as Vice-Chair. Peggy Lamson seconded, and all were in favor.

Peggy Lamson motioned for Mike Marconi to continue as an Alternate to the ZBA for three more years. Patty Borkland seconded, and all were in favor.

Denis Hebert announced that Peggy Lamson's term as an alternate was up.

Newly elected, Dick Spinney was welcomed to the Board.

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5) Other Business and Discussions

A) Wilcox Tour: Tom Morgan made inquiries on interest of Board members for touring the Wilcox facility. Morgan said he would call to see if more than one tour could be arranged due to conflicts with a few of the Board members.

B) Criteria Checklist: Mike Marconi asked if the Board might consider implementing a proposal criteria checklist similar to that used by the ZBA, especially for new members. Denis Hebert said that Tom Morgan used a checklist when he first started working with the Board, and that he continues to review all proposals, but that the checklist is 10-15 pages long and would be very time consuming to do at each meeting. However, Hebert said it could be beneficial to update for members to have a copy for review along with the packets before each meeting.

6) Announcements

Tom Morgan announced that the Local Government Commission would be doing a Survey of NH Law for NH Local Officials in Newington on Tuesday, April 17 from 9:15 a.m. to 3:15 p.m.

Morgan said there would also be a workshop on Affordable Housing on Tuesday, May 8 from 6:30 p.m. to 8:30 p.m.

Adjournment: Mike Marconi motioned to adjourn. Patty Borkland seconded, and all were in favor. The meeting adjourned at 8:45 p.m.

Next Meeting: Monday, May 14, 2012

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary