

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – May 14, 2012

Call to Order: Planning Board Chair, Denis Hebert called the May 14, 2012 meeting at 6:31 PM.

Present: *Conservation Commission Members:* Co-Chairs, Justin Richardson and Jane Hislop; Nancy Cauvet; Nell Ann Hiatt; Peggy Lamson; and Jim Weiner
Planning Board Members: Mike Marconi, Vice Chair; Patty Borkland (arrived at 7PM); Bernie Christopher; Jack Pare; Board of Selectman Representative, Rick Stern; Jane Kendall, Recorder; and Thomas Morgan, Town Planner

Absent: *Conservation Commission Members:* Marge Hislop; George Fletcher, Dorene Stern
Planning Board Alternate Member: Dick Spinney

Public Guests: Jane and Mike Mazeau; Attorney, Bernie Pelesh; Scientist, Steve Riker, Sandpiper Environmental Services; John Chagnon with Ambit Engineering, Wetlands; Edna Mosher; Huseyin Sevincgil, P.E., MHF Design Consultants; James Giarrusso, McDonald's Corporation; Tim Doyle, Napoli Group; Todd Adelman, TWA, LLC; Evan Mullen, Port 1 Architects; Don Brody and Andy Rotundo with Westinghouse; Sarah and Vaughn Richardson, Richardson Electric; David Mahoney, Marital Qtip Trust; Doug and Ken Anderson with Riverside & Pickering Marine

1) Public Hearing & Joint Meeting with the Conservation Commission and Planning Board: 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

Planning Board Chair, Denis Hebert opened the Public Hearing after members returned from a 5:30 PM site walk of the property, which they said, gave them a better picture of the proposal.

Mike Mazeau said storm water runoff had been reviewed by Town engineering consultant, Eric Weinrieb with Altus Engineering, and there were slight differences of opinion which would be discussed between Altus and Ambit Engineering that he had hired.

Mazeau said septic systems on the lots were approved for four-bedroom homes, and that State approval is pending subdivision permits. Town Planner, Tom Morgan asked when DES had OK'd the site development, and Mazeau said Dawn Baker had emailed the approval earlier in the day. Conservation Commission Co-Chair, Justin Richardson said he received a call from Dori Wiggin at DES regarding his questions in

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – May 14, 2012

response to her letter that said they would not approve wetlands crossings if any alternate solutions were available.

Mike Mazeau said he invited his attorney, Bernie Pelesh to address the matter of shared driveways. Mr. Pelesh said he concurs that the Mazeau's seem caught between DES saying they won't accept wetlands crossings and the Town not accepting shared driveways. Mr. Pelesh asked if the Planning Board would write a letter to DES saying they don't approve shared driveways. Mr. Mazeau added that the concept of a shared drive was a preliminary plan that was discarded after the Planning Board raised objections, and then the current plan was created.

Chair Hebert said he was not aware there was any issue with shared driveways with the Planning Board, and pointed out that the Conservation Commission has no authority to approve of shared driveways. Conservation Co-Chair Richardson said it is understood that the Commission addresses wetlands regulations and not Planning Board regulations. Conservation Co-Chair, Jane Hislop said the concept of shared driveways was discussed as an alternative possibility to wetlands crossings. Conservation Commissioner, Jim Weiner added that as far as making recommendations, DES has asked if there are any alternative solutions to avoid wetlands crossings; and the point of the discussions was to illustrate those alternatives, and work together to come up with a compromise that will work for both the applicant and the Town. Weiner said he was also concerned with approving exceptions that become standards.

Tom Morgan also clarified that although the Board has discussed shared driveways in the past, it is not an actual ordinance listed in the driveway regulations at the end of the Town ordinance book. Morgan said he understands the Board's interest in minimizing Town infrastructure, but the dimensions of the former design with a shared access way avoids as many wetlands crossings, and curb cuts, which is better for traffic safety. He also stressed the importance of considering the future likelihood of needing to access the water main in just one place instead of four. Justin Richardson said it might be helpful to consider that some communities are approving subdivisions with private roads instead of shared driveways, agreeing that shared driveways can be a problem, but homeowners' associations sharing the responsibility for maintenance of private roads can work if done properly even though it has never been done in Newington to date. Tom Morgan pointed out that Shaftmaster Drive is an example of a shared private road successfully used by local industry in Town.

Chair Hebert said it is still uncertain whether the State will allow the current plan, but agreed that the Planning Board needed to discuss not only the importance of the wetlands crossings, as well as the importance of the uplands to consider the whole lot in the current plan; and the ultimate question for the Planning Board is not to come up with another design, but whether or not to take any action or recommendations on the applicants' current proposal after the engineers discuss their findings.

Co-Chair, Jane Hislop said crossing the intermittent stream seems to be the main concern, and wondered if access could be made in a less sensitive area. Wetlands scientist, Steve Riker said State engineering regulations are what determined the crossings at the narrowest spots whenever possible, and that the plan complies with

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – May 14, 2012

those regulations. Chair Hebert said it appeared that the areas selected would also require the least fill. Justin Richardson said the goal is to have the lowest number of square feet impacted, and the current plan drives deeper and deeper into the most valuable area. Chair Hebert agreed that Map 14, Lot 7 is a combined area of highlands and wetlands, that are more environmentally sensitive compared to crossing the adjoining field that has already been damaged from years of plowing. Mike Mazeau said he was concerned that a single crossing that fanned out to all the lots would still require wetlands crossings. Hebert noted that public utilities would still require additional easements as well.

Chair Hebert opened up the meeting for public comment.

Mike Mazeau asked if the Planning Board was in favor of individual drives, and Hebert said he believed they could support the plan except for the driveway on Map 14, Lot 7.

Edna Mosher of Nimble Hill Road said she opposes shared driveways, but believed their plan is otherwise good, believing it important to consider land owner's rights as much as environmental conservation issues. Nell Ann Hiatt of Little Bay Road, who is also on the Conservation Commission said as much as she sees the importance of wetlands conservation, as a landowner with a shared drive, she too opposes shared drives. Peggy Lamson of Little Bay Road, also on the Conservation Commission said several members of her family successfully use a shared drive, but she is aware of it being a problem for others.

Chair Hebert closed the Public Hearing.

Jack Pare suggested a letter be written to DES explaining Town familiarity with the lot would suggest it better to go through the field, despite the wetlands crossings at the narrowest points following regulations. Denis Hebert agreed that while there isn't enough information to make a decision until the engineers discuss their findings, the Board could write a letter to DES stating their objection to share drives, and also mention their preference for crossing the field instead of the wetlands. Tom Morgan expressed confusion that the Board was making a motion in favor of an alternative to the current proposal when they'd previously been reluctant to discuss alternatives. Justin Richardson said he still has a problem with the design, and problems with future municipal utilities, and believes approving the plan would be a mistake.

Jack Pare entertained a motion that the Planning Board send a letter to DES, stating that the Board is familiar with the highlands and wetlands, and recommends using the field instead. Bernie Christopher seconded. Justin Richardson suggested that the Board recommend further clarification that DES consider alternatives to avoid impact to the higher value intermittent wetland stream, even if it means a greater impact to the lower field. ***Jack Pare and Bernie Christopher withdrew their previous motion, and rephrased a motion for the Planning Board to send a letter to DES to recommend consideration of alternative plans to avoid impact to the high value intermittent wetland stream area on Lot 14-7 even if it means greater square foot impact to the lower value plowed field. Bernie Christopher seconded. Peggy Lamson abstained as her re-appointment as an alternative Board member had not been completed as yet by the Town. All others were in favor.***

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – May 14, 2012

Chair Hebert announced that the Public Hearing would continue next month on Monday, June 11, 2012.

The Conservation Commission excused themselves from the rest of the Planning Board meeting at 7:33 PM to continue the remainder of their business in another room.

2) Planning Board Public Hearings:

A) Proposal by **SBAF Running Fox, Inc.** for site changes to the McDonald's restaurant at 49 Gosling Road, Tax Map 34, Lot 3

Huseyin Sevincgil, P.E., with MHF Design Consultants for McDonald's came before the board with revisions after sending their initial plans to Town engineering consultant, Eric Weinrieb with Altus Engineering who responded with comments in his May 10, 2012 letter.

Vice-Chair, Mike Marconi asked about changes in the proposal to the current width in the travel lane, from 23 feet to 18 feet. Mr. Sevincgil said the current parking spaces are perpendicular to the travel lane, but they are angled in the proposal. Chair, Denis Hebert said at this point the Board has no issue with the changes, but they would call the applicant back if there were any problems.

Additional changes with parking spaces, lighting, and snow removal were also reviewed before Chair Hebert opened discussion to the public for comment.

Vice-Chair Marconi said the report from both engineers looked to be in agreement.

Mike Marconi moved to approve the three requests for waivers as presented in the packet. Jack Pare seconded and all were in favor.

Mr. Sevincgil asked to discuss the need for a bond. Mike Marconi asked if a completion bond would be necessary, and Town Planner, Tom Morgan said the bond issue would be taken care of through the storm water plan that would be provided to the Town.

Bernie Christopher moved to waive the need for a bond. Mike Marconi seconded and all were in favor.

Patty Borkland moved that the Planning Board approve the proposal for changes to the McDonald's restaurant at 49 Gosling Road, Tax Map 34, Lot 3 as presented. Mike Marconi seconded, and all were in favor.

B) Proposal by **TWA, LLC** to establish office, warehousing, and light manufacturing at 521 Shattuck Way, Tax Map 7, lot 3

Board of Selectman representative, Rick Stern recused himself from the Board as an abutter and joined the public.

John Chagnon, PE with Ambit Engineering representing TWA, LLC informed the Board that they had gone before the Zoning Board of Adjustment and received approval for variances for their parking areas. After discussions with the ZBA, they agreed to move the delivery door at the back end to the side end near the parking lot to avoid as much wetlands impact. Mr. Chagnon said they planned on using porous pavement in the drive and parking lot, and grass paving at the front of the building for infrequent

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – May 14, 2012

deliveries. Chair, Denis Hebert asked what would be below the porous pavement surface, and Chagnon said they have a grading plan showing crushed stone, gravel, and sieve analysis. Town Planner, Tom Morgan asked how they plan on maintaining the pavement, and Chagnon said they will provide a plan which will include avoiding the use of sand, and sweeping twice a year. Chagnon said they spoke with a traffic consultant who looked at both the east and west access and reported that a drive nearer the building with access to deliveries at the front of the building would provide a better view of oncoming traffic. The proposal would also include planting trees along the street and additional landscaping. Vice-Chair, Mike Marconi asked if the plantings would obstruct traffic views, and Chagnon said they would grade for visibility and use low vegetation. Mr. Marconi asked if there were plans for any retention ponds, and Chagnon said there were not. Marconi also asked about water flow into catch basins, and Chagnon said they did a thorough analysis, and plan on addressing the reduction of water flow. Marconi asked if the culvert on the backside flows into Great Bay, and Chagnon said it does.

Tom Morgan asked if the current changes were consistent with relief granted at the ZBA meeting two weeks ago, and Mr. Chagnon said they were.

Morgan asked if they were working with the City of Portsmouth that is planning on putting in a new water line, and Chagnon said they presented a proposal to the City of Portsmouth to run the line through the back of the lot to avoid dead ending at the hydrant, but haven't heard back from them as yet.

Rick Stern said they changed their plan after the Board approved a different plan, and he had concerns with reverting the driveway access nearer the building across the street from his driveway, more out of concern for truck traffic than auto traffic. Chair Hebert said they came back with other changes as well, and the Board needed to follow State rulings.

Tom Morgan suggested the Board review the site again and send the plan out for engineering review, including the maintenance plans. John Chagnon said he could make those plans available the next day. Attorney Pelesh said they hired the traffic engineer to review the plan after the ZBA did a site walk two weeks ago, and the new plan was what was recommended.

Patty Borkland said she liked that the plan included grading and low vegetation for improved visibility.

Rick Stern said he is still concerned with how long it would take a fully loaded truck to stop even when going thirty miles per hour. Stern said he thought visibility could be further compromised if someone buys and builds on the adjacent lot currently owned by the State.

Chair Hebert closed the public hearing.

Discussion continued with Hebert asking for details on the architectural plans. Architect, Even Mullen said they planned on raising the room for more headroom with new trusses and a metal roof. Mullen said they intend on breaking up the length of the building into three sections, with natural colors, and the design keeping with the style of the buildings in the area. Patty Borkland said she disliked the window configuration, and Mullen said the AutoCAD drawing did not show the design fully, and would provide

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – May 14, 2012

another more detailed drawing. Todd Adelman of TWA, LLC said the plan is to keep clean, elegant, simple and subtle lines to blend in without being obtrusive. Denis Hebert said he would like them to review the Town design guidelines, noting the design proposal for the building on the adjacent lot is glass and would like to see this building design be congruent.

Chair Hebert asked if they had spoken with the fire chief, and Mr. Mullen said they had, and discussed the sprinkler system with their engineers.

Hebert opened the Public Hearing back up for comment.

Rick Stern asked about the tenant's business and hours of operation, and was told that the tenant is in the high end aerospace industry owned by David Lancaster, and would be doing light manufacturing and testing with ten employees between the hours of 7 a.m. and 5 p.m.

Mike Marconi asked about signage and Mr. Chagnon said there would be minimal signage for deliveries only.

Denis Hebert closed the public hearing, and announced a continuance next month on Monday, June 11, 2012 after the plans were sent to engineering for review.

Bernie Christopher made a motion to accept the plan as substantially complete. Mike Marconi seconded the motion and all were in favor.

C) Proposal by **Westinghouse** to install a variable frequency drive at 178 Shattuck Way, Tax Map 20, Lot 3

Sarah and Vaughn Richardson of Richardson Engineering came before the board to discuss the VFD transformer to be installed in the substation at Westinghouse so that improved testing could be done with less voltage and power.

Board members asked questions regarding the placement of the external housing shown in drawings. Electrical engineer, Sarah Richardson said the grass would be replaced with gravel instead of on a slab with animal fencing surrounding the crawlspace below. Board members asked if there were any alternatives to the fencing to improve the appearance. Board Chair, Denis Hebert also asked why they weren't placing the unit on slab, and if there would be landscaping around the unit. Richardson said a slab would be more costly. Vaughn Richardson added that the Fire Chief requested that there be clearance from the building.

Rick Stern asked if the unit would cause vibration and noise, and Ms. Richardson said there would be minimal noise & vibration, which would be mitigated. Richardson said the 50-hour testing would be done four times a year.

Chair Hebert closed the Public Hearing, and ***Mike Marconi moved to accept the plan as substantially complete with modification to the skirting. Rick Stern seconded, and all were in favor.***

3) Preliminary Discussions

Proposal by David F. Mahoney **Marital Qtip Trust, & Riverside & Pickering Marine** to construct a dock and associated infrastructure at 150 Shattuck Way (off Shaftmaster Drive), Tax Map 20, Lot 1

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – May 14, 2012

Ken and Doug Anderson of Riverside and Pickering Marine of Eliot, Maine came before the Board to present their interest in expanding their business in New Hampshire with a commercial wharf and pier along the Piscataqua River. Ken Anderson said they would use the area for heavy construction cranes and barges, and their tugboats. They currently have 20 full-time employees, and will also be looking for additional property in the area for their office. Doug Anderson said all their employees are well paid and the new site will increase employment opportunities.

Rick Stern asked how many moorings there would be, and Anderson said there are two moorings now. Mike Marconi said although the plan is in the preliminary stages, they would need to consult engineers to advise what would be needed for the piers to accommodate barges. Marconi also asked how they planned on working around the upcoming dredging in the area scheduled by Simplex. Anderson said they would make arrangements to stay out of the area.

Minutes: Mike Marconi motioned to approve the Planning Board Minutes for April 9, 2012. Bernie Christopher seconded the motion, and all members voted in favor.

Adjournment: Mike Marconi motioned to adjourn. Bernie Christopher seconded, and all were in favor. The meeting adjourned at 9:45 p.m.

Next Meeting: Work session, Monday, May 21
Public Hearings, Monday, June 11, 2012

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary