

Town of Newington, NH

PLANNING BOARD

Meeting Minutes – June 11, 2012

Call to Order: Chair Denis Hebert called the June 11, 2012 meeting at 6:35 PM.

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

Absent: Patty Borkland

Public Guests: Michael & Jane Mazeau; Attorney Bernie Pelech; Todd Adelman, TWA LLC; John Chagnon, PE, Ambit Engineering; Evan Mullen, Port 1 Architects; Marie Stowell, PDA; Gregg Mikolaities, PE, & VP Tighe&Bond; Gretchen Young, Tighe&Bond; Nick Sanders, VHB

1) Public Hearings:

A) Proposal by **Michael & Jane Mazeau** for lot line adjustments and subdivision to convert two lots into five lots at 124 Fox Point Road, Tax Map 11, Lots 13 & 14

Mike Mazeau came before the board with changes from his original proposal after the Department of Environmental Services (DES) requested that his subdivision minimize and eliminate wetlands crossings with a shared driveway on Lots 14-8 and their home Lot 13. Mr. Mazeau said DES required no more than 50% wetlands, and the reduction of Lot 14-7 close to the minimum of 8100 square feet brought the wetlands total to 35%. Mazeau said they had to dig new test pits, and Lot 14-6 was also approved.

Board Chair, Denis Hebert said he understood there were time restraints, but would like the Mazeau's to request an extension waiver to give time to thoroughly review the new proposal. Chair Hebert also noted for the record that although he is not in favor of adding to the Town's infrastructure with additional Town roads, and is aware the Mazeau's are trying to avoid expenses, he is also concerned with the possibility of future problems with shared driveways. Hebert stated for the record that he would prefer the establishment and adherence of ordinances for a level playing field for all applicants.

Vice Chair, Mike Marconi asked Mazeau's attorney, Bernie Pelech what their plans were for a shared driveway, and Pelech said they would have a lease agreement. Pelech also said Dori Wiggin at DES said she wasn't aware of any rulings against

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shared driveways in Town, whereas there are legal rulings against crossing wetlands. Board of Selectman representative, Rick Sterns said the reason he has to contend with a shared driveway is because there have never been any rules established, and that is the benefit of having an attorney set the terms. Chair Hebert said even if there are rules, they are challenging to enforce. Mike Mazeau said he tried to avoid a shared driveway initially, but DES rules restricted wetlands crossings; and therefore he would have to have a shared driveway or otherwise his home lot would be landlocked. Board member, Jack Pare said it would be important to establish rules for maintenance and plowing. Pare also suggested scheduling a work session to discuss shared driveways. Alternate Board member, Peggy Lamson agreed that shared driveways can work, but agreements need to be established on the deed. Rick Stern asked who would own the shared driveway, and Attorney Pelech said the Mazeau's would own the driveway and there would be an easement that could be reviewed by the Town attorney.

Town Planner, Tom Morgan said he doesn't favor shared driveways over Town roads, but said it is in the community's interest to minimize asphalt and curb cuts, and wondered if there was any possibility of reducing the curb cuts from three to two. Jack Pare wondered if they could do one less curb cut with a shared drive for Lots 14-8 and 14-9. Chair Hebert added that he didn't think every piece of property has to be developed to its maximum potential and would like to see one less lot.

Tom Morgan said it would also help the Board get a better idea for the zoning ordinances and wetlands setbacks if they could get drawings of where the proposed houses are to be built. Morgan also expressed concerns with a lack of maintenance with the narrow Fox Point frontage for the rear lot. Morgan said he was also concerned with establishing future access to public water lines. Chair Hebert agreed it is the Planning Board's job to consider access for utilities. Vice Chair Marconi said the easement agreement should also include the utility easements, and Mike Mazeau agreed that could be looked into. Rick Stern said putting in one water line crossing at Fox Point Road, and whatever fire hydrants are required now will prevent three different lines at a later date. Board member, Bernie Christopher said they would need two stubs to avoid crossing wetlands. Mike Mazeau said he was told it would cost \$5,000 per crossing. Chair Hebert said he should talk with the Fire Chief to determine what fire hydrants would be required.

Tom Morgan expressed concern over emergency vehicles having to back out of such a long, narrow driveway without a turn-around. A brief discussion over the lack of turn-arounds in anyone's driveway ensued, noting few driveways have turn-arounds.

Mike Mazeau asked if the Board would recommend going to the Zoning Board of Adjustment (ZBA) to request a waiver to the 200-foot road frontage. Chair Hebert said they never have and was concerned with deviating from the ordinance. Chair Hebert said it didn't look as if anyone else on the Board besides himself opposed the shared driveway. Chair Hebert announced a continuation next month on the second Monday, July 9, 2012.

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

Abutter, Rick Stern of Shattuck Way recused himself to the audience.

Ambit Engineer, John Chagnon said he had responded to the May 29, 2012 letter from Town engineering consultant, Altus Engineering, but to date had not received a reply. Board Chair, Denis Hebert said he would like to see the complete proposal, and determine if there were any issues.

Mr. Chagnon said they were trying to determine who owns the pipes on the lot formerly owned by the State for which they have no easement. Chagnon said they would also be looking for confirmation on the curb cut proposal, as Eric Weintrieb with Altus supported the traffic analysis by Stephen G. Pernaw and Company (see item 32, Site Distance Evaluation in Weintrieb's letter dated May 29, 2012). Alternate Board member, Peggy Lamson asked what happened with the plan for the access driveway nearer the lower end of the parking lot away from the building, and if the change would affect the neighbors across the street. TWA, LLC owner, Todd Adelman said the Stern's driveway is 180 feet down the road and would not be affected. Rick Stern still expressed less concern for vehicles exiting the site than for poor visibility from the truck traffic coming around the corner from Exit 4. Vice Chair, Mike Marconi asked if vegetation would be kept down for visibility, and Mr. Chagnon said yes, and it could be put in the maintenance plan.

Mr. Chagnon said the peer review recommended sidewalks along the front of the building, but they didn't agree because it is not going to be used for retail.

Mike Marconi asked if there was enough room for a fire lane, and Mr. Chagnon said the architect brought the question up to the fire chief who said it wouldn't be required. Chair Hebert said they would require a letter from the fire chief, and they want to be sure he's seen the latest plan. Town Planner, Tom Morgan said he had spoken with the fire chief earlier in the day and there were several issues that still need to be addressed.

Chair Hebert asked about snow removal and storage plans, and Mr. Chagnon said they would be using porous pavement, and no salt de-icers. Chagnon said they are also asking the Board to approve the building use as a warehouse with 17 parking spaces.

Mike Marconi moved to accept the creation of 17 parking spaces as adequate at the proposed site at 521 Shattuck Way, Tax Map 7, Lot 3, with the stipulation that the applicant would come back to the Board at a later date if the number of spaces are not sufficient. Jack Pare seconded the motion, and all were in favor.

A brief discussion ensued regarding whether the installation of a new water main would be down Shattuck Way or through the adjoining property also owned by TWA, LLC. Todd Adelman said he spoke with Peter Rice from the City of Portsmouth who said the timing didn't work out to make plans to access the adjoining property connection.

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Mr. Chagnon said they were proposing to use parking lot lights from dusk to 7pm, and Chair Hebert said the hours would be fine so long as the lights were compliant with the ordinances. Hebert said Eric Weintrieb with Altus had some issue with the proposed foot-candles, and Chagnon said they made changes as requested. Abutter, Rick Stern asked if the lights in the building would go off at 7pm also, and Mr. Chagnon said the hours of operation would be 7 a.m. to 5 p.m. with occasional exception. Evan Mullen with Port 1 Architects said window shades are part of the design plan to lessen any impact as well.

Peggy Lamson asked Mr. Chagnon to describe their landscaping plan, and Chagnon said there would be street side tree plantings on the south side to keep heat down, low growing sumac, and plantings to screen the dumpster area. Rick Stern said he would prefer to see evergreens used to conceal the dumpsters instead of deciduous bushes that lose their leaves.

Chair Hebert asked several questions about the pitch of the driveway and slope of the parking area that would affect storm water runoff. Mr. Chagnon said they would be using porous pavement and a catch basin. Tom Morgan said the current grade is at 10% and Eric Weintrieb recommended a grade of 5-6%, but they are still not in agreement. Mr. Chagnon said there is nothing in the ordinance about grade, but that they had improved the curb cut apron.

Rick Stern said he still has an issue with the visibility for vehicles on Shattuck Way, and doesn't like the idea of backup alarms early in the morning, and would prefer that vehicle turn around instead of back up to avoid the noise if possible.

Evan Mullen with Port 1 Architects presented a colored depiction of the proposed building design. Chair Hebert asked how this building proposal would work with the proposal for a glass faced building on the adjoining property. Todd Adelman said this is a proposal to redesign an existing structure, and will be an improvement over its present appearance. Mr. Mullen said the window orientation will work well for solar energy efficiency, and the wood siding will blend and give an appearance similar to New England barns in the area.

Chair Hebert announced the discussion would continue after hearing further input from Altus Engineering consultant, Eric Weintrieb.

C) Proposal by **Farley White Pease, LLC** and Pease Development Authority to construct a 3-story, 66,975 square foot expansion to their office building at 100 Arboretum Way, along with associated infrastructure, on Assessors Map 33.

As a member of the PDA Board, Peggy Lamson recused herself from the discussion.

Chair Denis Hebert reminded the Board that the PDA agreed to come before the Board for new site development review because they are not a municipality, and not only will the Board be looking at Town ordinances, but also PDA ordinances in proposal.

Gregg Mikolaities, PE with Tighe&Bond Engineers came before the Board representing Farley White Pease, LLC's proposal to expand the current 10-acre site to an additional 10-acres for a total 20-acre lot size. Mr. Miloaities showed the Board their

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drawings indicating concrete sidewalk extension, two curb cuts, wetlands, buffers, and a rain gardens 100 feet from the wetlands. Mikolaities said they would go before the Conservation Commission on Thursday with their landscaping plan. Gretchen Young, also with Tighe&Bond Engineers said the proposed rain garden would filter nitrogen and phosphorous, and suspend solids better than a storm water detention pond. Town Planner, Tom Morgan asked if a numerical standard had been met, and Ms. Young said it had not been calculated as yet, but she felt there would be low infiltration rates.

Mike Marconi asked about snow storage, and Mr. Mikolaities said they would be outside the landscape areas, draining toward the highway in the back.

Mr. Mikolaities said thirteen loading docks were permissible for the building size, but only three would be necessary for office use.

Traffic consultant, Nick Sanders with VHB discussed their traffic assessment memorandum evaluating the opening year and forecast to 2020 with plans for traffic monitoring to determine what traffic controls would be needed and when.

Board Chair, Denis Hebert recommended that the two-way stop be changed to a four-way with a flashing light as soon as possible, knowing it will be needed, prior to increased traffic congestion, increased accidents, and increased costs. Tom Morgan agreed, adding that the Sig Sauer plant is all set for manufacturing operation that will increase traffic congestion. When asked, Sanders said there are 272 existing employees in the building and they are projecting an increase to 548. Sig Sauer anticipates 197 office workers, and a maximum of 423 manufacturing employees.

Mr. Sanders and Maria Stowell with the PDA said they had plans to study traffic patterns in 2013 to see if a traffic light was warranted, but had no plans to change any of the traffic controls until they were determined to be warranted after their studies were complete. Sanders suggested it could be a liability if installed and not warranted, but Denis Hebert said he believes it is warranted, and asked how changing the intersection from a two-way stop to a four-way stop could cause an accident. Jack Pare noted that it would make sense to get a head start on installing the conduits and sensors now. Sanders said funding for a traffic signal would be part of their long-term plan no earlier than 2014 or 2015 after completion of the Spaulding Turnpike project. Again, Denis Hebert urged them to make plans for funding and implementation now before Exit 3 opens and before someone gets hurt. Mike Marconi agreed, stating he sees people cutting through and running the stop sign even now. Mr. Sanders said he could send in a recommendation.

Jack Pare asked if there are any plans to widen Arboretum Drive, and Denis Hebert said the State has plans to upgrade the north access, but not to widen the road.

Tom Morgan said the Board should have their Town engineering consultant review the site plan. Denis Hebert said they would continue the public hearing next month on July 9, 2012.

Peggy Lamson announced that there would be a transportation meeting on Monday, June 18th, at 8:30 a.m. for anyone concerned with the upcoming traffic impact.

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2) Announcements

Spaulding Turnpike Expansion Project

Selectman, Rick Stern announced that the Board of Selectmen (BoS) had a meeting with the Department of Transportation (DOT) regarding the transfer of Woodbury Avenue over to Town ownership. The discussion included notification that Exit 2 would be removed, and there would only be one right turn, and no way to exit so discussions are continuing. Discussion about sidewalks and bike paths along Woodbury Ave and southbound to Arboretum Drive were also discussed, including discussions whether to accept the State's offer for asphalt paving on the sidewalks, or whether the Town should pay an additional \$70,000 to "upgrade" to concrete, considering it would last longer but be more costly at the onset and to repair.

There was also a discussion about the State wanting a facility at the old drive-in theatre location which would interfere with the Town's proposal to create Mitchell Lane near the gas station at the end of Nimble Hill Road, so it was decided Mitchell Lane would not be a Town road after all. A discussion of a light at the end of the road was also discussed, but had not been decided.

Minutes: Mike Marconi motioned to approve the Planning Board Minutes for May 14, 2012 with changes as requested. 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 9:40 p.m.

Next Meeting: Monday, July 9, 2012

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary