

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – July 9, 2012

- Call to Order:** Chair Denis Hebert called the July 9, 2012 meeting at 6:30 PM.
- Present:** Mike Marconi, Vice Chair; Patty Borkland; Bernie Christopher; Dick Spinney; Alternate Member, Peggy Lamson; Jane Kendall, Recorder; and Thomas Morgan, Town Planner
- Absent:** Jack Pare; Board of Selectman Representative, Rick Stern
- Public Guests:** Jane and Michael Mazeau; Attorney, Bernie Pelesh; Todd Adelman, TWA LLC; Bruce Crawford, Ambit Engineering; Marie Stowell, PDA; Sam Truder, Farley White Pease, LLC; Gregg Milolaities, PE & VP Tighe&Bond; Gretchen Young, Tighe&Bond; Robin Bousa, Dir. Transportation, VHB Design Engineers

### 1) Public Hearings:

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

Michael Mazeau came before the board with the latest update on his subdivision proposal. Mr. Mazeau said all the lots would have access to the City of Portsmouth water lines, except the back Lot 14-8, which would be granted an excavation permit if City water is desired. Town Planner, Tom Morgan noted that page 82 of the Town subdivision regulations requires developers to provide water access if building is within 2,600 feet of a road. Mr. Mazeau said there is a stipulation for a waiver if there are topographical problems, and noted there had been numerous subdivisions without City water lines. Morgan said they could, but they would have to make sure the waiver request is on the record.

Mr. Morgan said he was also concerned with the potential of future conflicts to neighbors over the narrow tail of frontage for Lot 14-8, which runs along the side of Lot 14-7. Attorney, Bernie Pelesh said a landscape easement could be created to stipulate responsibility for maintenance that would be enforceable in court. Board member, Patty Borkland asked if stronger terms could be established, and Board Chair, Denis Hebert asked about access for utilities. Board member, Bernie Christopher said they could call it a restrictive covenant with no structures to be built near neighbors, and include access for utilities.

Mr. Mazeau said he would also be requesting a variance from the Zoning Board of Adjustment for approval of a home lot and septic at the front of Lot 14-7. Tom Morgan asked if there might be another alternative, which wouldn't require a variance by setting the lot, house and septic further back rather than having the leach field so close to the road and the house as close to the wetlands. Mr. Mazeau said when DES denied the former plan with wetlands crossings for individual driveways this current plan was designed with shared driveways to avoid wetlands. Vice Chair, Mike Marconi and Bernie Christopher both said they had never seen any other plans, and were only concerned with the applicant's current proposal. Chair Hebert said the Planning Board has always tried to avoid future lot problems such as

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shared driveways and pork chop lots regardless of where alternative ideas come from. Hebert said the Zoning Board of Adjustment can only grant variances based on hardship if there is no other alternative, but concrete examples of alternatives have been shown and should be considered. Hebert also said he asked the Board to review the plan after the wetlands permit had been denied. Any new plans were supposed to be presented one week before the meeting for review, but the current plan with altered details was being presented for the first time during this meeting. Mr. Mazeau apologized, noting that his surveyor had gone on vacation and he had to scramble to find another at the last minute. Jane Mazeau said the narrow strip of frontage for the back lot had been on their plans all along. Mike Marconi asked how the Board should proceed, and Chair Hebert said they should hold off on any decisions so as not to jeopardize the ZBA, see if the plan is substantially complete after the ZBA meeting, and schedule a continuance of the Public Hearing on August 13, 2012.

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

Bruce Crawford, PE with Ambit Engineering for TWA, LLC came before the Board with their response to questions raised by Town engineering consultant, Altus Engineering. Discussion ensued regarding recommendations by Altus for a 6% driveway slope, and Ambit's proposal for 8.3%, which they said meets DOT standards of 10%.

Town Planner, Tom Morgan asked what would happen if the Planning Board adopted Altus' recommendation for a 6% grade. Mr. Crawford said it would require the entire parking lot to be lowered in to the seasonal water table. Mr. Morgan then asked if they could change the angle of the driveway entrance eastward. Crawford said it would reduce the number of parking spaces in the proposed lot, requiring more pavement on the other side. Morgan said he is not in favor of more pavement, but *is* concerned with the risk of vehicles going into traffic on an icy slope. Crawford said delivery trucks could park on the side of the road occasionally for a short duration if they had trouble getting in. Board members expressed concern with trucks parked on the side of the road.

Discussions regarding the location of the access driveway also ensued. Attorney Bernie Pelesh said that Altus analyzed both locations, and supported the findings from traffic engineer, Stephen Pernaw, PE. However, Board member, Patty Borkland disagreed that Shattuck Way is a "...low traffic area..." as stated in Pernaw's letter, especially considering the impact of the Spaulding Turnpike Expansion Project on future traffic.

Chair Hebert asked if they still needed to see the fire chief regarding sprinkler systems and fire hydrant placement, and Todd Adelman said he still needed approval for the stairwell. Bernie Pelesh asked whom they should see in the interim of Chief Sylvia's absence, and Tom Morgan said they should see the deputy chief.

Peggy Lamson asked if they would be landscaping the front, and Adelman said they would.

Chair Hebert said they still need to go to the Board of Selectmen to request an easement for the small curb cut owned by the Town, which will be a condition of approval.

Todd Adelman said he was all for safety, but wanted to know how much longer it would take to decide on the slope issue, and other issues. Hebert reminded everyone that they first came to the Board in November for a curb cut, then presented plans later. Chair Hebert said even if they need to get their own traffic engineer, the engineers need to work toward resolution. Adelman asked what other remaining issues were, and Hebert said they would also need to

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address the sewer variance issue. A continuation of the Public Hearing was announced for August 13, 2012.

C) Proposal by **Farley White Pease, LLC** and the 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. The subject property is on Assessors Map 33.

Alternate member, Peggy Lamson who also serves on the PDA Board recused herself from the discussion. Board member, Patty Borkland asked the Chair a procedural question regarding hearings with the PDA, and Chair Hebert said the Board presents its comments and recommendations to the PDA and then they can vote for or against.

Gregg Milolaities, PE & VP Tighe&Bond said he is confident they would be able to meet all the concerns presented by Town engineering consultant, Altus Engineering.

Chair, Denis Hebert said the only major concern is traffic and asked if there was any new information. PDA representative, Maria Stowell said there was not, but said Robin Bousa, Dir. Transportation with VHB Design Engineers could answer any questions regarding the report that associate Nick Sanders had presented previously. Town Planner, Tom Morgan said the Planning Board had just received correspondence from the PDA at 5pm. Chair Hebert asked if the study had a stamp from the engineer, and Ms. Bousa said Mr. Sanders had done the study and could resubmit it with a stamp.

Chair Hebert said he would like to know why the PDA has decided not to put the traffic light in, and Ms. Bousa said they reviewed Tom Morgan's comments, as well as data from DOT's Spaulding Expansion projections, but they are concerned with making an investment in premature studies and would like to wait to see if a traffic light is "warranted". Hebert asked if the PDA Board had taken a vote on the matter already, and Maria Stowell said the Transportation Committee met and heard VHB's report, and they took a vote to wait and get more data.

Chair Hebert noted that Phase A of the project was well done with a beautiful, well maintained campus. Hebert then closed the public session and opened up comments from the Board.

Tom Morgan recommended that a motion stipulate that Altus Engineering and Tighe&Bond work out their differences and include a professional stamp.

***Bernie Christopher moved to approve the plan as presented with the stipulation that a professional engineer's stamp be put on the traffic study, and issues raised by Town consultant, Altus Engineering be resolved. Mike Marconi seconded the motion, and all were in favor.***

Chair, Denis Hebert then made a statement to PDA representative, Maria Stowell that the PDA reversed the process by taking a vote before the Planning Board had a public hearing. Hebert said the PDA needs to follow due process as stipulated by State law regarding Town government to avoid influencing the Board prematurely. Maria Stowell said she understood and didn't want to comment prematurely during the Transportation Committee meeting.

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### **Follow-Up Comments:**

A) Board Chair, Denis Hebert reminded Board members of the importance of remaining impartial, professional, and not to take issues with applicants personally.

B) Mike Marconi expressed concern over the speed limit of 35 mph on Shattuck Way and wondered if the limit could be dropped to 30 mph. Chair Hebert said the problem appears to be with speeding, and enforcement, and it should be discussed with the Board of Selectmen.

Peggy Lamson said Dick Spinney was also right in expressing concern for tankers coming along with FedEx delivery trucks parked on the side of the road.

C) Chair Hebert asked that there be a letter written to the Selectmen, and another letter be written to Altus engineering for recommendation of a traffic engineer.

**Minutes:** Mike Marconi motioned to approve the Planning Board Minutes for June 11, 2012. Bernie Christopher seconded the motion, and all members voted in favor.

**Adjournment:** Mike Marconi motioned to adjourn. Peggy Lamson seconded, and all were in favor. The meeting adjourned at 8:47 p.m.

**Next Meeting:** Monday, August 13, 2012

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