

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – August 13, 2012

**Call to Order:** Chair Denis Hebert called the August 13, 2012 meeting to order at 6:33 PM.

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

**Absent:** Bernie Christopher

**Public Guests:** Michael and Jane Mazeau; Attorney Bernie Pelesh; Board of Selectman, Jack O'Reilly; Todd Adelman with TWA, LLC; John Chagnon with Ambit Engineering; Alvin Coleman, President, and Sam Donovan, Project Manager, Coleman Contracting; Keith Cota, Project Manager for Spaulding Turnpike Expansion; Jim Hershey, State of NH Project Administrator; Brad Mozquito with Tighe&Bond; Robert Harbeson; Dawn Lewis, Director of Great Bay Services; and Joey Cresta with Portsmouth Herald

**Minutes:** Peggy Lamson motioned to approve the Planning Board Minutes for July 9, 2012. Patty Borkland seconded the motion. Jack Pare was absent for that meeting and abstained. All other members voted in favor.

**1) Joint Session with Board of Selectmen:** Request by NH Department of Transportation to bring office trailers onto former motel site at corner of Nimble Hill Road and Shattuck Way pursuant to RSA 674:54, and for two curb cuts along Shattuck Way, Tax Map 7, Lot 24.

Board member, Patty Borkland asked about damages done to Newington Town roads from the additional heavy traffic from the construction project, and Alvin Coleman, President of Coleman Contracting said they would make whatever changes necessary to repair any damages. Selectman, Rick Stern said the construction project would be going on for three years, and the Board of Selectmen (BOS) were not happy about it, but the State has the right to use their own property on the corner of Nimble Hill and Shattuck Way.

Alternate Board member, Peggy Lamson agreed that they would've liked DOT to discuss their plans with the BOS earlier. Lamson also asked Spaulding Turnpike Expansion Project Manager, Keith Cota why they weren't using the former drive-in movie theatre site as previously discussed, and Cota said they would still be using that

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – August 13, 2012

as their primary location, but also planned on using other areas as necessary. The Nimble Hill and Shattuck Way lot was chosen because it has water, sewer, telephone and cable access, as well as visibility to the police department for security purposes. He said it also has safer access for turning to reverse direction. Cota said although there will be some temporary delays during construction while widening the bridge over Shattuck Way, they did a traffic analysis and they believe it to be adequate. Board member, Jack Pare asked where they intend on widening Shattuck Way and how it will impact local business, including TWA, LLC's driveway proposal. Coty clarified that the profile and width of Shattuck Way will not change, just the bridge over Shattuck Way will be wider. Sam Donovan, Project Manager with Coleman Contractors said there would be one inbound driveway on Nimble Hill, and two on Shattuck Way. Board member, Mike Marconi asked if they could combine the two into one, and Mr. Donovan said they could. He also said they would avoid slopes to prevent slippery conditions in the winter. Patty Borkland asked Jack Pare to explain why widening the driveway would be necessary, and Jack said it would be helpful for easier merging. Mr. Donovan said it would be a better angle of approach so they wouldn't have to come out into traffic. Donovan said there would be approximately three dozen trucks per day coming in and out for approximately a week, and then similar work on the Dover side, and again at the end of the project.

Peggy Lamson asked what their hours of operation would be, and Mr. Donovan said from 7 a.m. to 7 p.m. at most, but they would most likely quit around 5:00 p.m. Donovan said this early phase would begin on August 22, 2012 be completed around November, then a small amount of work would be done in January 2013, there would be a break in activity midway through the project when they would be working elsewhere, and then they would be back to complete the final stages. Tom Morgan asked Keith Cota what the project schedule would be, and Cota said he expected the overpass work to take five to six months, and the last phase crossing over to Dover to last another five to six months, with completion two years from now. Lamson suggested DOT ask the Newington Police Department for assistance with heavy morning and evening traffic, and Mr. Donovan said there would be flagmen posted when necessary. Lamson also asked about noise levels around residential areas when they grind stumps, and Donovan said noise activities would be limited to the day, except for night paving which is standard.

Planning Board Chair, Denis Hebert asked about employee parking, and Mr. Donovan said there would be about six private vehicles. Rick Stern also said it would be helpful to fence the area in for security, and Chair Hebert agreed. Hebert also asked what would be done to keep dust levels down, and Donovan said they would put a layer of gravel down, and also use calcium chloride and water. Hebert asked who the State's point of contact would be if there were any concerns regarding pollution from the disturbance, and was told it would be Jim Hershey, Project Administrator for the State.

Mike Marconi asked about toilet facilities, and Mr. Donovan said they would have a couple of porta-potties, but the construction trailer would also be tied into the sewer line. Chair Hebert asked how they would pay for sewer service, and Donovan said they

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – August 13, 2012

would follow standard procedure. Jim Hershey said they would be using a Type A trailer for water and sewer hookup, with a bathroom and sink. Donovan said they would probably tie in to the sewer stub. Chair Hebert said the Town Sewer Commission usually requires a bond, and recommended that the BOS set fees for reimbursement of water and sewer use.

Chair Hebert asked if Shattuck Way would be restored to its original condition after the Spaulding construction was finished, and Cota said they would repair any damage they do. Hebert asked if the Town could be included with the bond the construction company has with the State, and Mr. Cota said the contract was already signed and it was too late. Hebert suggested the BOS look further into the bond issue.

Peggy Lamson asked what could be done to alert the biking commuters who travel over the bridge and down Shattuck Way. Sam Donovan said they would put up daily and long-term notices and alerts. Lamson also commented that use of Park and Ride spaces and mass transportation for workers would be helpful to reduce traffic congestion. Jack Pare also expressed concern that removal of the bike route from construction would put bikers out into the main traffic. Selectman, Jack O'Reilly noted that the BOS recently approved of funding a bike route from Fox Point to Shattuck Way.

Tom Morgan said DOT and contractors are required to come before the Planning Board in a public hearing under RSA:674:54 which needs to be posted, and will be scheduled next week. Rick Stern questioned two driveways on one lot, and Tom Morgan said they would require an application for two curb cuts with the Planning Board, but legal counsel said DOT may not be bound by that restriction. Sam Donovan said they would make the drive wider which would change the two curb cuts. Rick Stern asked if they would be temporary or permanent curb cuts, and Tom Morgan said there is no distinction on record, but curb cuts are legal terms, not physical.

***Mike Marconi moved to grant two temporary curb cuts, one on Shattuck Way, and the other on Nimble Hill for the duration of the Spaulding Expansion construction project. Patty Borkland seconded, and all were in favor.***

Denis Hebert also noted that they agreed to restore Shattuck Way to its original condition before the construction began.

## 2) Public Hearings:

A) Proposal by **Michael & 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 updated the Board on DES approval to cross the wetlands on his back lot from Beane Lane, State subdivision and storm water runoff plan approval, and recommendations to the Zoning Board by the Conservation Commission. Mr. Mazeau also said his engineer, Alex Ross responded to questions from Town engineering consultant Eric Weintrieb of Altus Engineering. Town Planner, Tom Morgan said it is customary to present correspondence to the Town engineer in writing through his office beforehand to be included in the meeting for the record. Mr. Mazeau said he would bring that correspondence in to Mr. Morgan's office the next day.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – August 13, 2012

Mr. Mazeau said there would be three culverts on Fox Point Road, and Mr. Weintrieb requested that there be an easement for Town maintenance. Selectman, Rick Stern said they should probably go forward with the easement before the subdivision for maintenance. Chair Hebert asked Tom Morgan to speak with Altus Engineering and the Town attorney about the easement and write up as needed. Tom Morgan said the plan should also show the easement area, and Hebert said there will need to be an easement on the driveway entrance as well. Mike Mazeau asked if they should get driveway permits as well, and Denis Hebert said yes they should.

Rick Stern asked where the water lines would enter and end, and Mike Mazeau said they would go along the shared driveway and end at his house for future use. Selectman Stern then asked where the hydrant would be located, and Mazeau said he expected Fire Chief Dale Sylvia to make that determination when he returned to work. Stern said he didn't think the City of Portsmouth would cap water lines, but would run them to the road or a hydrant. Mazeau said the contractor would run the lines the rest of the way up the drives.

Discussion then ensued regarding the Conservation Commission's recommendation to put the building envelope for Lot 14-7 toward the back field at the bottom of Lot 13, change the 100-foot setback to 75 feet, and put in a driveway coming from the shared drive. Dick Spinney then asked if the shared driveway would then be changed from 10 feet wide to 15 feet wide. Mr. Mazeau said it would need to, but that was not their plan. Denis Hebert asked if Mr. Mazeau objected to the house at the back, and Mr. Mazeau said he did because he would need to put the driveway 35 feet from his current septic system, and make a longer shared driveway which the Planning Board was against. Hebert said he was the only member of the Planning Board that was against the shared driveway initially, and it was later determined by Conservation and DES that a shared driveway would be the only alternative to avoiding wetlands crossings.

Chair Hebert said they would need to wait until the request for variances went before the ZBA, and continue discussion at the Planning Board's next meeting on Monday, September 10, 2012. Hebert said he might be out of town so Vice Chair, Mike Marconi, may run the meeting.

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

John Chagnon with Ambit Engineering came before the Board to review their responses to questions raised in Town engineering consultant, Eric Weintrieb of Altus Engineering, in his letter of August 2, 2012.

Chair, Denis Hebert raised concerns regarding glare and reflection to abutters from night lighting, and asked that they review the situation once lighting is in place and make accommodations as necessary.

Hebert also raised questions regarding the ownership of the sewer connection, and Attorney Bernie Pelesh said there is an easement between KWA Realty and TWA, LLC keeping the system lines private until they are tied into the Town system. Hebert also reminded them that they would need a bond for construction completion.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – August 13, 2012

Rick Stern asked about the landscaping plan for trees, and John Chagnon said they would be using deciduous red sunset maples, elms, low growth sumac, and a couple of ginkgo trees at the entrance. Stern said he would like to see some evergreens for year round coverage, but Chagnon and Adelman said they prefer deciduous to avoid blow over, and there were already plenty of evergreen arborvitaes across the street. Peggy Lamson and Patty Borkland both agreed that they like the maples. Hebert asked what the caliper of the trees were, and was told the maples would be 2" to 2-1/2", and the ginkgo's would be 3" to 3-1/2". Denis Hebert asked if Ambit had brought the landscaping plan before the Conservation Commission, and they said they had only been to the Commission in regards to their wetlands impact. Hebert then closed the public hearing.

***Patty Borkland moved to accept TWA LLC's proposal to establish office, warehousing, and light manufacturing at 521 Shattuck Way, Tax Map 7, Lot 3 with the condition that they go to the Conservation Commission for approval of their landscaping plan, and that the original curb cut be rescinded, and the new curb cut as shown on the plan be approved. Mike Marconi seconded, and all were in favor.***

**3) New Business Preliminary Discussions:** Proposal by **Great Bay Services** to expand their facilities at 2061 Woodbury Avenue, Tax Map 27, Lot 2

Bradlee Mozquito with Tighe&Bond Architects came before the Board with their expansion proposal for Great Bay Services to enhance the existing entrance and ramp system, create a weather vestibule over the drop off and pickup area of the cafeteria, and make paving changes. Town Planner, Tom Morgan requested a depiction of the architectural elevations.

Board Chair, Denis Hebert said he would like to see what would be happening to the storm water runoff, and Rob Harbeson said they plan to change the paving surfaces to accommodate runoff. Hebert said the entrance from Piscataqua Road is quite sharp, and Brad Mozquito said that will be addressed as well.

Alternate Board member, Peggy Lamson asked where the residential housing area was located, and Mr. Harbeson said it is off Woodbury Ave, adjacent to this facility with a connecting walkway. Lamson also asked how many students work in the area and cross at the traffic light. Dawn Lewis, Director of Great Bay Services said there are about twelve residents that work outside the facility.

Tom Morgan asked about the driveway on Woodbury Avenue, and Ms. Lewis said that was the original access when Piscataqua Drive was Simplex, private and cut off. Morgan said the corner of Woodbury and Piscataqua is a tight turn for delivery trucks, and it would be a good time to examine the corner since Great Bay Services is proposing changes and the Department of Transportation is turning Woodbury Ave over to the Town. Morgan then asked if they would be ready to present more information at a public hearing at the next Board meeting scheduled on September 10, 2012, and they said they weren't sure, but would be back in touch.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – August 13, 2012

### 4) Old Business

#### A) Request by NH Department of Safety re: **Key Auto Center of Portsmouth**

Town Planner, Tom Morgan presented a notice and request for comment to the Town from NH Department of Safety regarding an application from Key Auto Center of Portsmouth to open and run a used auto and inspection station on 2025 Woodbury Avenue, the former site of their Chevrolet Dealership that has since moved to the Portsmouth Traffic Circle. Selectman, Rick Stern said Key Auto and Portsmouth Chevrolet are the same owners so it would not be a change of use.

Chair, Denis Hebert said there had been a long history of asking the Chevrolet Dealership to move their display vehicles off the greenway along Woodbury Ave. Discussion ensued regarding the right of way, and restricting hazardous left turns. Jack Pare said it is the State right of way now, but will soon be turned over to the Town. Rick Stern said they could put through the approval and enforce restrictions with parking on the right of way. Stern expressed concern with the Town making stipulations in the application comments, which would deny their license to operate a business, but that they should call the State before signing off to see if they can revoke their license if they don't comply.

***Dick Spinney moved to authorize the Chair to sign off on Key Auto Center of Portsmouth's application with Department of Safety for a dealer license and inspection station, noting that the previous operation was not compliance with safety requirements by parking on the grassed area instead of the parking lot along Woodbury Avenue.***

#### B) **Patterson Lane Reconstruction**

Selectman, Rick Stern said the Town planned on removing some trees, moving the fire hydrant, creating a parking area and paving Patterson Road. Town Planner, Tom Morgan said there were questions at the last Conservation Commission meeting, and they asked the BOS if they would show them their plans.

#### C) **FEMA Mapping**

Chair, Denis Hebert thanked Jack Pare for all his work with FEMA and the National Flood Insurance Program. Chair Hebert asked Jack for an update and if there would be any more fees for the project. Pare said he had provided FEMA with all the currently correct information, but the maps are still not available. Pare said the banks could request professional engineering stamps on plans if someone was to purchase property before the maps were out.

Tom Morgan said the Town received a letter from FEMA representatives saying funding was available, but then called FEMA in Boston and were told they actually weren't sure when funds would be available. Chair Hebert asked if the letter could be used by banks and insurance companies, but Jack Pare said it would not be acceptable if the maps are still not on record with FEMA.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – August 13, 2012

**Adjournment:** Peggy Lamson motioned to adjourn. Dick Spinney seconded, and all were in favor. The meeting adjourned at 9:15 p.m.

**Next Meeting:** Monday, September 20, 2012

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