

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

- Call to Order:** Chair Denis Hebert called the June 8, 2020 meeting at 4:39 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Erika Mantz Board Members: Russ Cooke; Christopher Cross; Ben Johnson; and Peter Welch; Alternate Board member, Jim Weiner; Board of Selectmen's Representative, Ken Latchaw; Town Planner, John Krebs and Jane Kendall, Recorder
- Absent:** Alternate Board member, Rick Stern
- Public Guests:** John Liatsis; Town counsel, Attorney John Ratigan; Brenda Blonigan; Maggie Cooke; Jack O'Reilly; Jack McTigue, PE with Moran; Mark Phillips; Alex Ross with Ross Engineering; Mark Jacobs; Amanda and Craig Field, ownership partners of Play All Day; Attorney Chris Mulligan

1) Preliminary Consultations:

A) Discussion regarding residential subdivision of property owned by **John Liatsis**, located at **271 Nimble Hill Road, Tax Map 18, Lot 3B**.

Board member, Russ Cooke stepped down as an abutter for this discussion.

John Liatsis provided a rough plan with slight alterations to the subdivision road from his previous plan to reduce the length of the road from 2,800 feet to 2,000 feet when not counting the cul-de-sac. Alternate Board member, Jim Weiner responded that commented that the Board had informed him during his last proposal that the Ordinance had a maximum limit of 1,500 feet, and the length for this proposal was still as much as 2,200 feet. Chair Hebert agreed that the turnaround added another 200 feet, and would be counted as the length.

Mr. Liatsis presented three other roads in Town, Airport Road, Beane Lane, and Fox Point Road that were all more than 1,500 feet.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

Mr. Weiner stated that it was up to the property owner's due diligence to be aware of the conditions of the property, and Town ordinances in order to provide an acceptable design for a subdivision. John Liatsis responded that he had purchased an additional parcel of property in response to previous comments from the Board. Mr. Liatsis said he still had to go 300 feet before getting to the property, and he didn't think that the Board could say a 30-acre lot could not be subdivided, so he was now looking for input from them on how to subdivide his sizeable lot.

Board member, Chris Cross agreed that the entrance into the property was complicated, but ledge was present, and the grade and drainage also needed to be acceptable. Mr. Liatsis responded that he had passed test pits mapped the wetlands, submitted a drainage study, and that there would be no increases to the existing runoff.

Chair Hebert called for a straw vote on the proposed length of the driveway, and Ben Johnson, Ken Latchaw, Erika Mantz, Jim Weiner, Peter Welch, and he all agreed that the entrance road for the subdivision would need to comply with the 1,500-foot regulation. stated that wetlands scientists had reviewed the property, and the 100-foot setbacks for the streams consistent. Mr. Liatsis responded that the same streams flowing onto other properties only had 50-foot setbacks.

Mr. Liatsis asked if the Board would accept the same entrance design for a gated, private road. Chair Hebert replied that the problem with a private road was that the subdivision residents could petition the Town to accept it as a public road that would allow services such as mail delivery, inclusion in the school bus route, trash pickup, and plowing, so it needed to comply with the Subdivision Regulations. Mr. Liatsis responded that he understood there was that potential, but an application had to be taken for what it was, and not for what might happen.

Mr. Liatsis stated that 2,000 feet was the shortest length that he could make the road to develop the property the way he wanted, and the fire, police, and school were fine with his design, the road could be plowed, mail could be delivered, and trash could be picked up with no problem just like other roads in town, so he was very disappointed with the Board and his neighbors for objecting.

*(John Ratigan left at 5:06 p.m. at this point in the meeting.
Mr. Cooke returned to his seat with the Board.)*

B) Discussion of site plan proposal for a 10,000 square foot medical office building by **Newington Falls, LLC** on property located at **Shattuck Way, Tax Map 13, Lot 6-A.**

Jack McTigue, PE Project Engineer with TFMoran passed out a plan for a medical building on a 1,213 square foot lot with 444 feet of frontage on Shattuck Way. Mr. McTigue said there was 1,700 square feet of no cut wetlands buffers, and development was limited to 667 square feet so they put the entrance on Shattuck Way

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

to avoid wetlands impacts, and requested a variance from the Zoning Board of Adjustment (ZBA) for a 30 foot setback from Shattuck Way for the 50 parking spaces.

Mr. McTigue said that Section 5 of the regulations stated that no loam shall be removed unless approved by the Planning Board or the Board of Selectmen. Mr. McTigue explained that Eversource would remove some of the inadequate topsoil, and replace it with more loam to improve the site. Chair Hebert said the crushed gravel on the site was not very deep, and suggested that they move the crushed gravel under the pavement, and put the loam in the lawn and growing areas to hold the moisture that would also come up from beneath for sustained growth without the application of high nitrogen fertilizers that runoff and added to the high nitrogen levels of Great Bay.

Mr. McTigue said that Section 17 of the Site Regulations says that impervious surfaces on new developments shall not exceed 30%, but this was considered a redevelopment project. Mr. McTigue said that the compacted gravel was treated as impervious surface so they would be reducing the impervious surface from 35% to 31%, and the stormwater runoff would be less than or equal to the existing conditions.

Mr. McTigue said they were proposing a drainage easement to the existing northwest bioretention pond with an approved the Alteration of Terrain (AOT) design, and that they would be responsible for the operation and upkeep of the pond.

Chair Hebert responded that the Board was willing to work with them, but he didn't agree that the site had already been developed with one AOT permit. Mr. McTigue stated the bioretention pond had been designed for the larger impervious area. Town Planner, John Krebs said the drainage easement for this lot was almost entirely on the other property. Mr. McTigue added that the pond would treat some of Lot 6A as well.

Board member, Chris Cross asked how would get drainage over easement, and Mr. McTigue replied that the lot sloped in that direction. Mr. McTigue went on to say that they would be swales, but the bioretention ponds would treat the overflow.

Board members continued with questions on drainage.

Mr. Cross asked if the culvert for utilities would be deep enough on River Road, and Mr. McTigue replied that they were not raising the grade at the back.

Mr. Cross asked if the mechanicals were sheltered from the River Road view with parapets, as well to keep an elegant appearance elegant on both roads. Mr. McTigue added that there were a lot of trees in the wetlands on the back of River Road. Mr. Cross commented that foliage was not on trees all year, however. Chair Hebert noted that the parapet appeared to go all the way to the rear corner.

Mr. Cross commented that he was not happy with two entrances on Shattuck Way and asked if they would consider a bus shelter awning in the center for COAST bus service so the buss could pull in off Shattuck Way.

Chair Hebert said Eversource was sent drawings, but he never heard back from them. Mr. McTigue said he was told that they didn't want to hook into the underground. Chair Hebert responded that the developer was supposed to pay for the connection

Town of Newington, NH PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

from the pole, and he was not clear why Eversource wouldn't want to go underground because there was already a gas and water connection out there, and someone spent a lot of money setting up for below ground connections.

Chair Hebert said he had a problem with creating an easement for another wetlands pond, and asked why the runoff couldn't flow to the existing wetlands that were a natural filter and buffer. Mr. McTigue explained that AOT regulations didn't allow untreated sites water to flow directly to wetlands, and that holding water in the a bioretention area released water slower, and filtered out 80-90% of nitrogen, phosphorus, and solids.

Chair Hebert asked why the outside perimeter of a swale didn't act that way, and Mr. McTigue replied that a swale on a lot that had been changed from trees to gravel wouldn't slow water from flowing into the wetlands and abutting property.

Mr. Cross pointed out that AOT would not want the contaminated or degraded runoff to go into a bioretention pond, rather than into the wetlands, and he didn't believe that the existing bioretention pond on the easement would not be too large in a major storm. Chair Hebert said the bioretention pond was built for larger impervious surfaces as Eversource's laydown area for their transmission expansion project. Mr. McTigue said they could shrink the bioretention pond.

Chair Hebert commented that he also didn't like an easement on someone else's lot, and asked why they weren't putting the bioretention ponds on their own property in the swales. Mr. McTigue replied that they were only using an existing bioretention pond, but there was there was another treatment area on the other lot that would treat that lot as well. Board member, Ben Johnson added that they would be in the no cut buffer too. Mr. McTigue agreed that there was a 50' structural setback.

Mr. Krebs suggested that the property owner could also do a lot line adjustment if didn't like easement on other lot. Mr. McTigue went on to say that it would be hard to do treatment underground, but they could look at a lot line adjustment.

Chair Hebert responded that they would need to speak with Mark Phillips, the property owner. Mr. Phillips replied that the retention pond was designed to AOT standards, and easements that were agreeable to both parties were done all the time, so he didn't see a problem with it.

Mr. Weiner commented that AOT looked at the entire property and recommended the larger bioretention, but this smaller lot wouldn't require the larger pond. Mr. Phillips replied that former Town planner, Gerald Coogan required that they apply for an AOT permit all three lots on 10 acres. Mr. Phillips said his storage facility had all the drainage, and half of Lot 6A was wetlands, so drainage had to go into the larger Lot 5A with an easement.

Board of Selectmen's Representative, Ken Latchaw said he liked the business proposal, but he didn't like the idea of creating more bioretention ponds. Chair Hebert said the problem was that Section 16A of the Ordinance required that runoff says

Town of Newington, NH PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

Section 16A runoff had to be retained on that lot. Mr. McTigue responded that their design was following Section 16E for redevelopment, not a new redevelopment.

Mr. Johnson, Vice-Chair Mantz, Mr. Cross, Mr. Cook, and Mr. Welch all agreed that they didn't have a problem utilizing the existing bioretention so long as Mr. Phillips was fine with it. Chair Hebert said he was not sure if they would need a variance, but he would like to see them do a lot line adjustment. Mr. Phillips replied that a lot line adjustment would create a greater problem with the setbacks.

Chair Hebert said he wanted a follow-up on electric and communication connections going underground.

II) New Business:

A) Driveway permit request by Barbara and Joseph Lavin, Fox Point Road, Tax Map 11/ Lot 22

Mr. Krebs informed the Board that they were asked to review the application and drawing without the applicant present.

Chair Hebert announced that there was a full quorum, and that Alternate Board member, Jim Weiner could join discussions prior to the motion, but would not be voting. Chair Hebert informed the Board that lot was previously subdivided two years earlier by Sharon Alley, but he didn't recall where the curb cuts were at that time. Mr. Krebs added that the lot had been purchased and engineered by one owner, and was now being sold.

Chair Hebert noted that he wanted to be sure that the Town had access to the culvert that was being proposed a couple hundred feet down the driveway. Chair Hebert added that he wanted to be sure that water didn't back up over the drive where it dipped. Mr. Cross suggested that the owner could put in a second culvert if he graded the driveway. Mr. Cooke responded that the owner might be reluctant more expensive.

Ken Latchaw moved to allow a right of way easement, and approve the curb cut request by Barbara and Joseph Lavin of Fox Point Road, Tax Map 11/ Lot 22. Erika Mantz seconded the motion, and all were in favor.

B) Change of Use request by 117 Gosling Road, LLC for a dog daycare at 117 Gosling Road, Tax Map 28, Lot 2

Mr. Krebs informed the Board that the applicant had recently received a variance to allow the use, and structures in the wetlands setback with the condition that they talk with the Planning Board regarding treatment of dog waste.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

Alex Ross, engineer and surveyor with Ross Engineering passed out plans for the site. Mr. Ross reminded the Board that they had appeared before the Board in July 1919 for site review with parking lot improvements, easement to access the wastewater plant, replacement of the pavement, drainage, parking and building improvements. Mr. Ross said since then the property manager, Bill Marple found tenants who wanted to put in a Play All Day dog daycare.

Mr. Ross said the floor plan layout would be similar to their other facilities on the Seacoast. Mr. Ross reviewed the site changes, including the removal and replacement of impervious asphalt, a small fenced dog run area with AstroTurf grass setup with pervious stone, and a similar area in the rear with a small retaining wall to bring the outdoor dog run to the building floor elevation.

Mr. Ross said he walked the site with wetlands scientist, Mark Jacobs soil scientist, and this was similar to their facility in Exeter was also next to a wetland area that flows to Exeter reservoir.

Mr. Latchaw said he understand that they would remove the solid waste from the outside dog run, but asked where the urine going through the AstroTurf would go.

Amanda Field, ownership partner of Play All Day replied that urine was 95% water, and the run would be 20 feet above the wetland area so there was a lot of soil to percolate the urine through similar to a leach field. Ms. Field added that they sprayed an eco-friendly cleaner that balanced the urine to prevent damage to grasses.

Chair Hebert asked how deep the layers were below the AstroTurf. Mr. Ross replied that they were planning on laying down 12 inches of clean wash stone. Chair Hebert responded that it was similar to a leach field, but there would be a lot of dogs, whereas a typical home leach field might treat as much as ten people, and usually had a septic tank so he wondered what the soils were like. Mr. Ross went on to explain that Mr. Jacobs had delineated the wetlands on the location, and found that it appeared that fill was brought in 40-50 years before, and there would be 20 feet of sandy loam that would also act as a filter, so it was not like bank run gravel that would run through immediately.

Mr. Weiner expressed concern that urine odors would remain. Ms. Field responded that the eco-friendly product they used would be used two to three times a day to wash the urine out.

Mr. Cross commented that he couldn't see putting a dog run beside wetlands where urine would filter through rocks, and he thought it should be an impervious surface and pumped out every week. Mr. Weiner said he assumed that urine would be purified though the stones and 20 feet of soil, but suggested that the solid could be tested. Chair Hebert added that he didn't get that there would be a discharge point. Mr. Ross agreed that there wouldn't be a concentration or discharge, and that the run would be flat next to building.

Chair Hebert asked what the distance was from the stream. Mr. Cross said the stream meandered and the water table was up to the edge of the building. Mr. Ross

Town of Newington, NH PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

replied that the distance fluctuated between 10-30 feet, but the elevation was higher than the wetland. Mr. Ross added that a leach field was two feet thick, and the depth of soil here was 20 feet deep. Mr. Welch said leach fields had to be 75 feet from wetlands. Mr. Ross showed a cutout of the site plan in Exeter with outside dog runs next to a steep bank near the creek that feeds into Exeter reservoir, and the dog runs similar to these were discussed at length.

Mr. Cross said it was a great location that could be mitigated, and asked why they couldn't use a trough like system with material on top that would run to a collection area to be disposed of at the waste water treatment plant, rather than allowing it to go into the wetlands and water table.

Mr. Cooke asked if the New Hampshire Department of Environmental Services (DES) had any guidance on this application. Mr. Ross replied that dog urine was considered no different than the excrement of any other wildlife. Mr. Cross countered that this was constant in one location, however.

Mr. Cross asked if they could do an annual sampling. Mr. Krebs agreed that they could do a starting baseline, followed by a comparison a year later.

Mr. Cooke asked if there was a berm present. Mr. Ross said it was a flat area, with a 10-foot base against the edge of the building. Mr. Cross suggested that they grade the base so that any urine flowed toward the building instead of the wetlands.

Chair Hebert added that a condition be added that they review odors as well.

Chris Cross moved to approve the change of use request by 117 Gosling Road, LLC for a dog daycare at 117 Gosling Road, Tax Map 28, Lot 2 with the conditions that the outdoor dog run be graded toward the building to prevent runoff toward the wetlands, that the outdoor dog run be treated with urine neutralizer daily so that no foul odors would be detected, that the soil be tested prior to opening, and annually thereafter. Ben Johnson seconded the motion.

Chair Hebert asked about the hours and frequency of drop off and pickup traffic. Ms. Field said drop off traffic was typically between 7 a.m. to 9 a.m. and pick up was between 4 p.m. to 6 p.m. for just a few minutes. Chair Hebert asked if the parking lot had the capacity to handle the quantity of patrons. Mr. Ross replied that there were 34 spaces, and the timing of drop off would work similar to the way the Portsmouth location worked with only has a few parking spaces.

The motion passed with all in favor.

III) Capital Improvements Plan: Impact Fee Discussion:

Mr. Krebs noted that the Board had been working on updating the Master Plan for a number of years, but they were now moving forward on the Capital Improvements

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

Program (CIP), and they should be able to get it done within four to five months as they had contracted Rockingham Planning Commission (RPC) to start working with the Board next month.

Mr. Krebs said the RPC was not allowing their employees to work with people directly, so they would probably Zoom the initial meetings with Theresa Walker, unless the governor's order changed in a couple of weeks. Mr. Krebs said he and Ms. Walker would work behind the scenes with the Board that would oversee the project with four or five meetings. He added that the Board needed to stay on schedule and on budget so that they could complete the project by early fall.

Mr. Latchaw commented that he had no problem moving forward, but he wondered if the Board could delay for a couple of weeks to hear more from the governor so they could meet in person, and wouldn't have to have Zoom meetings. Vice-Chair Mantz noted that the governor was moving toward increasing the number of gatherings from ten to 25 people.

Mr. Cross commented that he thought that Zoom meetings were sufficient for organizational meetings to discuss CIP objectives, meeting dates, etc.

Mr. Weiner said he knew that many people didn't like Zoom meetings, and that face to face was best, but there were courses showing how plans could be presented on split screens, and a lot of information could be gathered from teleconferences as many multinational corporations have done.

Mr. Krebs agreed with Mr. Cross that meetings could change to in person after initial the Zoom meetings.

Chair Hebert said the goal was to maintain a level tax rate based on known revenue and bills. Mr. Krebs suggested that budgets be set above actual costs to avoid spikes so that if they knew they needed to buy a \$500,000 fire truck in six years so they wouldn't have to be readjusted every year. Mr. Welch said the Town was already putting funds in reserve. Chair Hebert agreed except that it was being done without a bigger plan.

Mr. Krebs added that the Board also couldn't establish impact fees without having a CIP.

Mr. Cooke said he still thought the CIP should be forwarded to the Budget Committee. Mr. Krebs said the legislator required planning boards to do CIP's, but they could designate it to someone else. Chair Hebert said the Board of Selectmen created the subcommittee, and the committee was usually comprised of the Budget Committee chair, three members of the Planning Board, and then the Planning Board adopted the document. He added that the Planning Board could nix any suggestion at any time and that anything on the list still needed town approval before it was purchased.

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, June 8, 2020

IV) Other Business and Discussions:

Chair Hebert announced that Board member, Ben Johnson had disclosed that he would be purchasing the Portsmouth Sign building and business.

Mr. Johnson said that he had been approached about buying the out in November 2019, and they came to agreement that they would move their North and South contracting business from Barrington to the Portsmouth Sign location by the end of Labor Day 2020.

Chair Hebert announced that the mixed-use study presentation for June 22, 2020 meeting was postponed to a date to be determined.

Minutes: *Erika Mantz moved to approve the Minutes for the March 23, 2020 meeting. Russ Cooke seconded, and the motion passed with all in favor, and Ken Latchaw abstaining.*

Chris Cross moved to approve the Minutes for the April 30, 2020 meeting. Ben Johnson seconded, and all were in favor with Ken Latchaw abstaining.

Erika Mantz moved to approve the Minutes for the June 4, 2020 meeting. Peter Welch seconded, and all were in favor with Ken Latchaw abstaining.

Adjournment: *Peter Welch moved to adjourn the meeting. Russ Cooke seconded the motion and the meeting adjourned at 7:22 p.m.*

Next Meeting: Monday, July 13, 2020

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the July 13, 2020 Planning Board

