

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes – August 8, 2011

**Call to Order:** Chair Denis Hebert called the August 8, 2011 meeting at 6:35 PM.

**Present:** Mike Marconi, Vice Chair; Patty Borkland; Bernie Christopher; Jack Pare; Alternate Members, Clifford Abbott and Peggy Lamson; Jane Kendall, Recorder; and Thomas Morgan, Town Planner

**Absent:** Cosmas Iocovazzi

**Public Guests:** John Frink

### 1) Land Use Policies:

#### A) Duration of Building Permits

Board Chair, Denis Herbert opened up the discussion of setting limits to the duration of building permits in response to complaints received about extended building projects that have disturbed neighbors with dust and noise. Hebert asked the board to limit their comments to generalizations, rather than any particular applicant.

Vice Chair, Mike Marconi said the Zoning Board of Adjustment (ZBA) were asking applicants to complete projects within one year, and then return to the Board if an extension if another year was needed. Board member, Bernie Christopher said Newcastle also has a one year limit, but many towns used to limit the permit to just six months. Alternate Board member, Peggy Lamson said the Town of Rye sets time limits to a year too. Lamson said it is important for Newington to follow suit as unfinished building projects can devalue adjoining properties when construction is extended piecemeal. Board member, Jack Pare said the current NH State law says building permits expire within three years.

Board member, Patty Borkland asked if dust falls under the Planning Board's jurisdiction. Town Planner, Tom Morgan said if it is a single-family residence, then complaints would go to the Town Building Inspector for Code Enforcement, which is under the Board of Selectmen (BOS), not the Planning Board. Discussion ensued regarding what jurisdiction the Planning Board has for regulation amendments, not enforcement, and whether commercial and residential regulations should be the same or separate.

Jack Pare said he thought applicants should apply for extensions, not another permit, though there would still be another filing fee involved. Chair Hebert said the problem is when applicants renovate older homes, then run out of funds which slows

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completion down, and would it be reasonable to give a longer extension so long as the inside construction doesn't disturb neighbors.

Mike Marconi asked Tom Morgan if he might look into regulations for other towns and bring in a proposal at the next meeting.

### **B) Parking Lot Size Requirements**

Town Planner, Tom Morgan presented a recommendation to reverse the existing Parking Lot Regulations from *minimum* to *maximum* spaces allowed in order to reduce the area of impervious pavement and subsequent pollution to the surrounding area from storm water runoff. Current regulations require a minimum of one space for every 200 feet of floor area in a business. Morgan suggested changing the regulation to a *maximum* of one space for every 200 feet of floor area, unless an applicant could make a case requesting a waiver for more spaces. Board member, Jack Pare said many local business, including the Fox Run Mall and Newington Malls have an excess of parking spaces that never get used.

Board Chair, Denis Hebert said he would like to see a condition that the applicant could come back to the board with their request if they had parking problems. Tom Morgan said site plan regulations state that the Planning Board can consider alterations. Mike Marconi motioned to bring Tom Morgan's Parking Regulation revision of Section 18 to September 19, 2011 Planning Board Meeting for a Public Hearing. Jack Pare seconded and all were in favor.

### **C) Pavement and Setbacks**

Pavement and setbacks was discussed, citing Shattuck Way, which has a hardship waiver for the entire length of the road, and Woodbury Ave., which has more grass up to the road due to no setback requirements.

Chair Hebert said there is a problem determining which side is the front with properties that have roads on four sides. Jack Pare said the front is where the curb cut is, but Tom Morgan pointed out that Wal-Mart has two curb cuts, so it is necessary to assess on a case-by-case basis.

Mike Marconi made a motion to continue the discussion of cutbacks in a Public Hearing to be scheduled during the September 19, 2011 meeting. Peggy Lamson seconded and all were in favor.

### **D) Nimble Hill Gate**

Discussion ensued regarding allowing passage through the gate at the end of Nimble Hill Road leading on to Arboretum Drive. Chair Hebert pointed out that the Board of Selectmen had already made the decision to install an electronic gate opener, and announced that anyone wishing to use the gate would need to apply with a written reason why they need a remote gate opener. Hebert said the intent was to allow ease of passage for residents only. Peggy Lamson said she was not in favor of passage restrictions in a "gated community". Hebert suggested clearing the brush from the sides, and installing bollards that would allow bike passage as well.

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### 2) **Spaulding Turnpike** – Update by Town Planner

Before Town Planner, Tom Morgan began his review, Town Resident and Town Highway Maintenance employee, John Frink asked to express concern regarding additional traffic that would be funneled onto Woodbury Avenue and impact that would have on the part-time Newington Highway Department with snow plowing. Frink also expressed concerns regarding rumors that the NH Department of Transportation (DOT) would be building three season sidewalks along Woodbury Ave., which would be an additional maintenance burden for the town and possible litigation problem. Mr. Frink asked members of the Planning Board for clarification since he thought sidewalks were not included in the newly revised Road Specifications. Frink also expressed concern for maintenance of the bike paths that will be built in place of the General Sullivan Bridge as well.

Cliff Abbott pointed out that there is a sidewalk along Shattuck Way, which is used frequently in good weather by Thermo Fisher Scientific employees, but it is not maintained in the winter, and neither is the General Sullivan Bridge. Peggy Lamson said sidewalks going down Woodbury Ave. could be beneficial for local workers as well as disabled residents of Great Bay Services and the handicapped residents at Betty's Dream who walk to the malls and sometimes Wal-Mart. Denis Hebert said the Planning Board as a whole has been pro sidewalks with funds set aside, with former Board member, Chris Cross having attended meetings with the DOT, but everything was changed when the State off-loaded the property on Woodbury Ave. to the Town.

Jack Pare said the term "three season bike paths" was used by the Board of Selectmen to avoid all year maintenance. Tom Morgan said DOT isn't proposing any bike paths around the malls, and while "bike paths are for bikes, they can be used for sidewalks, but sidewalks are not to be used for bikes". Jack Pare commented that the sidewalks are for public safety in commercial areas, not so much for residents. Morgan also pointed out that even if local residents don't use bike paths or sidewalks, three quarters of the bills in Newington are paid by commercial businesses.

Jack Pare asked if it would be worthwhile to ask an attorney familiar with State laws how strong a position the Town has to specify maintenance, and determine whether they would be three season bike paths or sidewalks. Chair Hebert said the State could then refuse to build the sidewalks, which would solve the matter altogether. Hebert said, however the Planning Board only has an advisory role and would need to confer with the Board of Selectmen. Tom Morgan said the Planning Board could check with the Board of Selectmen, but he believed the Board of Selectmen were not happy accepting with the DOT's proposal that the Town of Newington maintain the 1-1/4 mile of roadway on Woodbury Ave. Morgan also said that the DOT is buying 24 acres from the Pease Development Authority, along with land where the water tower is, giving the City of Portsmouth 3-4 acres, but have never advised the Newington Planning Board of lot line changes as the RSA requires.

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**Minutes:** Mike Marconi motioned to approve the Planning Board Minutes of July 11, 2011 with corrections. Peggy Lamson seconded the motion, and all members voted in favor, with Jack Pare abstaining due to his absence at the last meeting

**Adjournment:** Mike Marconi motioned to adjourn. Bernie Christopher seconded, and all were in favor. The meeting adjourned at 8:35 p.m.

**Next Meeting:** Monday, September 19, 2011

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