

# Town of Newington, New Hampshire

## PLANNING BOARD

Meeting Minutes, Thursday September 5, 2019

- Call to Order:** Chair Denis Hebert called the September 5, 2019 meeting at 6:00 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, Mike Marconi; Town Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Alternate Board member, Rick Stern
- Public Guests:** David Choate with Colliers International; Palmer Higgins, CEO of Mainely Grass; Andy Webster with Eastern Industrial Automation; Alex Ross with Ross Engineering; Bill Marple; Joe Calderola, CEO with Denet Farm Development; Lydia Lane residents; Jamie Belanger

**1) Preliminary Consultation:** by **Mainely Grass** regarding relocation to the former Eastern Industrial Automation building located at **32 Nimble Hill Road**, Tax Map #, Lot #.

David Choate with Colliers International appeared before the Board to introduce a change of use for a new tenant, Mainely Grass in the former Eastern Industrial Automation, that would be moving its operation to Manchester, New Hampshire.

Mainely Grass CEO, Palmer Higgins stated that they had locations in York, Maine, Manchester, New Hampshire, and Tewksbury Massachusetts. Mr. Higgins said they there were outgrowing their space in York, Maine, and were looking to relocate in the Portsmouth area, as well as north toward Portland, Maine.

Mr. Higgins said most of their business was seasonal from May to October.

Board member, Jim Weiner asked how many employees they would have, and Mr. Higgins said they had 27 employees in their York facility now, and that they planned on splitting them to have 15-20 employees at this facility, and the rest go to Portland. He said they would have six year-round office employees in the 9,600 square feet of space,

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but would drop to a smaller crew for maintenance and seasonal prep during the colder months.

Board member, Chris Cross asked if the garage would be used for vehicle storage, and Mr. Higgins replied that and for maintenance.

Mr. Weiner asked if they would be storing liquid and granular fertilizer at the site, and Mr. Higgins said they would store some materials as needed on pallets.

Mr. Weiner asked if all his workers were licensed, and Mr. Higgins said all users were required to be licensed.

Board of Selectmen's representative, Mike Marconi asked if the fertilizer was combustible, and Mr. Higgins replied that they only stored inert fertilizer.

Mr. Marconi asked if the fire chief had been notified, and Town Planner, Gerald Coogan said he had not.

Mr. Weiner asked how many parking spaces they would need for trucks. Mr. Choate replied that there were 40 spaces at the front of the building, and 40 spaces at the back. Mr. Choate said there were 30 striped and 10 unstriped spaces dedicated for their service vans.

Board member, Peter Welch asked if the employees took the trucks home, and Mr. Higgins said they did not. Mr. Welch commented that there were 20 employees with 20 vehicles and 20, which would use all 40 parking spaces. Mr. Higgins said the employees would switch the cars and trucks back and forth.

Chair Hebert asked about the abutting Great Bay Cross Fit's use of the parking lot. Mr. Choate replied that he had met with the owner, Eric Morris, and Mr. Morris didn't see any conflicts as he scheduled his classes before work, during lunch breaks and after work.

Mr. Weiner asked if Cross Fit would be striped to prevent delivery trucks from going into their parking space. Mr. Higgins said he spoke with Mr. Morris who said that they didn't use the outdoor space much, but they would probably schedule their infrequently, weekly deliveries during low activity times, and put up cones so there was no chance that they would go into their area.

Andy Webster with Eastern Industrial Automation stated that they had 45 tractor trailers deliveries a week and never a problem with disturbing Cross Fit.

Chair Hebert said he was concerned with their having the correct flow for emergency vehicles, and would like to see a parking plan. Mr. Coogan suggested that they could handle the plans administratively. Mr. Choate stated that he could deliver the plan first of the week to show parking would not be in the access drive. Chair Hebert said he wanted to be sure the Newington Fire Department saw them first.

Mr. Cross suggested approval be contingent on acceptance of the parking plan. Mr. Cross said the traffic would be no greater than the existing approved use, so he didn't think a public hearing would be necessary. Chair Hebert commented that he wanted a condition that Mainely Grass would submit a record of their parking plan in case their business grew.

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Board member, Russ Cooke asked why they had to present their proposal if it was a permitted use in the Office Zone. Mr. Coogan replied that they needed to determine if there was more impact with storage, use and traffic, and if so, they would need to inform abutters.

Chair Hebert announced that there was a full Board, and that Alternate Board member, Jim Weiner would not participate in deliberations.

Chair Hebert said he was willing to move the discussion along without a public hearing. Mr. Marconi said he thought the fire chief should review the building access and parking, and Chair Hebert agreed.

*Erika Mantz moved to approve the proposal by Mainely Grass to relocate to the former Eastern Industrial Automation building located at 32 Nimble Hill Road, Tax Map #, Lot # with the condition that an acceptable parking plan would be reviewed by the Newington Fire Department, and Town engineering consultant. Russ Cooke seconded the motion, and all were in favor.*

### **II) New Business:**

#### **A) 2020 Planning Board Budget**

#### **B) Potential 2020 Zoning Ordinance Amendments**

*These items were delayed to hear the following items first.*

### **III) Old Business:**

#### **A) Minor alteration discussion on approved site plan by Marple properties regarding property located at 117 Gosling Road, Tax Map 28, Lot 2**

Alex Ross, P.E. with Ross Engineering presented plans for minor alterations to their proposal for site improvements that were approved in July 2019. Mr. Ross said they had discussions with the owner of the abutting businesses who wanted some changes.

Chair Hebert noted that the abutters had not been present to object during the approval, and asked if they had been notified. Mr. Coogan replied that they sent out a notice and received confirmation of receipt, but apparently the wife didn't show the notice to the husband.

Mr. Ross stated that they had some site meetings with the abutter who wanted some alterations, and the applicant, Bill Marple was willing to do so. Mr. Ross said the abutter did not want the long retaining wall and guard rail, so they shortened the

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retaining wall, and removed the six parking spaces that they had proposed along the side of the building.

Mr. Ross said he presented the changes to Newington Waste Water operations manager, Denis Messier, who signed the plan to show he was okay with the changes. Chair Hebert responded that the Board of Sewer Commissioners were the only ones that had the authority to sign for the Town, and not Mr. Messier. Mr. Ross replied that he would be happy to submit the plans to the Board of Sewer Commissioners for signature.

Chair Hebert asked if they had a letter showing concurrence from the abutter, and Mr. Marple replied that the abutter had agreed informally, but he would work on obtaining a letter. Mr. Coogan noted that although the abutter never appealed the Board's decision, a condition of approval was to obtain the abutter's approval.

Mr. Cross expressed concern that the height of the parking lot and the grade of the road were not the same. Board member, Ben Johnson pointed out that the grade of the road would change gradually over 50 feet. Chair Hebert added that the elevation of the parking lot would remain the same as the existing condition regardless of the gradual grade of the access road.

Mr. Cross said he was concerned that the road would be tilted going into the parking lot. Mr. Johnson responded that the parking lot was the same elevation as the building, and the gradual slope was less than a handicapped ramp.

Mr. Ross said their intention was to make a stable road. He added that the entryway was double wide to make the transition to the parking lot or to the accessway easy. Mr. Ross said they would do a profile for every change, as well as grading and drainage plans for review and approval by Altus Engineering, the Town engineering consultant. Chair agreed that the Board could accept the alterations with amended conditions, and an understanding that it would be reviewed.

Mr. Cross agreed to leave the engineering review up to Altus Engineering. Mr. Ross said he would be happy to sit down with Altus Engineering, but he wanted to be sure that they could get approval for the paving deadline Chair Hebert asked that he provide information to Altus immediately to review two weeks before the next meeting.

Mr. Cross commented that he liked the previous retaining wall proposal with a guardrail. He said he didn't think the abutter took good care of his parking area, and was now asking for a change after the fact without doing anything himself to contribute to safety. Mr. Ross responded that they would place boulders beside the retaining wall to improve protection. Chair Hebert replied that the retaining wall was only curb height at that point, and that he thought that a guard rail would look worse than the boulders.

Mr. Welch commented that it appeared that water would be flowing against retaining wall. Mr. Ross replied that water would flow away from the retaining wall to the catch basin in the lower corner, but he would be willing to have Altus review the drainage as well.

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Mr. Cross commented that snow would cover the retaining wall for several months, and that he was concerned with a driver going off the edge. Mr. Ross replied that the boulders were highly visible to prevent anyone from driving over the edge.

Mr. Marconi asked where the abutter pushed his snow, and Mr. Ross said he thought toward he pushed it toward the boulders. Mr. Marconi commented that the snow would create a banking that was more visible.

Mr. Ross stated the Mr. Marple would like to start some site work this year, and they understood that the Board could amend the conditions without a public hearing and abutter notification.

Chair Hebert said they would need to send their technical issues to Altus for review, obtain a signature from the Board of Sanitation, and provide a letter of consent from the abutter.

Chair Hebert went into deliberations with the Board and announced that they had a full board and that Mr. Weiner wouldn't contribute to the discussion or vote.

*Peter Welch moved to approve the request for minor alterations to the July 2019 approved site plan by Marple properties regarding property located at 117 Gosling Road, Tax Map 28, Lot 2. Russ Cooke seconded, and the motion passed 5-0 with Chris Cross abstaining.*

Chair Hebert noted that no parking on the side of the building needed to be a condition of approval.

*Peter Welch moved to amend the motion to include that no parking occur on the side of the building. Erica Mantz seconded the motion, and all were in favor, 5-0 with Chris Cross abstaining.*

B) Update on completion of bioretention area and landscaping at **Dennett Farm** residential development located on **Lydia Lane, Tax Map 17, Lot 4**

Mr. Coogan said that the residents had come to an agreement on plantings, and neighbor's came to agreement, and he passed out a revision of developer, Joe Calderola's rain garden design. Chair Hebert asked if residents saw Altus report and they nodded that they did.

Mr. Calderola stated that they decided to follow Rob Rosine's recommendations for soil and planting, that he would plant tall grasses around river stones, and decorative boulders in the rain garden. He said he would also plant two spruces and a red maple on the other side with the help of a landscaping firm.

Chair Hebert noted that Engineering had no problem with the trees, but asked that they specify the grasses, and suggested that they place a good landscaping fabric

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on the bottom before planting and placing the stones. Mr. Weiner suggested that they use tall grasses that didn't send off seed.

Chair Hebert said they also needed a maintenance schedule, and that he was concerned with not getting pavement and planting done before winter. Mr. Calderola replied that recommended maintenance was listed on the last page of Mr. Rosine's letter.

Mr. Calderola stated that he built the rain garden to plan, but the slope was steep so the homeowner's wanted him to grade it for easier mowing. Chair Hebert commented that he needed to consider cubic feet for water runoff, so it he could decide to make it wider, rather than deeper. Mr. Calderola replied that Mr. Rosine said the rain garden would treat runoff from the road, and that the increased size was for heavy precipitation. Chair Hebert said he thought cutting away one side and putting it on the other side would make up for the 120 square feet, but he needed a letter from a design engineer confirming that the regrading would work.

Chair Hebert said he was also concerned with a car sliding off in an ice or snow storm and bottoming out, so he preferred rain gardens to be in the center of a cul-de-sac next time.

Mr. Coogan commented that he heard that a mound of farmers loam had been trucked out and that clay soil had been trucked in, and that clay would not drain well. Mr. Weiner stated that Newington had a ruling that existing soil had to stay on site, couldn't be sold and then bring in inferior soil. Chair Hebert said whatever was done was done so need to address solutions now. Mr. Johnson noted that Mr. Calderola said he would follow Mr. Rosine's formula for soil levels for drainage in the rain garden.

Mr. Cooke asked how big the spruces would get at maturity, and Mr. Calderola said they would eventually grow to 80 feet, but that they were slow growing.

Chair Hebert stated that Waterstone Engineering needed to inform the Town if there were any disagreements with Altus Engineering's findings. He added that Waterstone Engineering would then need to sign off on the restoration of bioretention, and Mr. Calderola said he would get a letter in the next couple of days.

Mr. Coogan said Mr. Calderola expected the Town to take Lydia Lane over, but asked who would take over responsibility of the bioretention. Mr. Calderola replied that the homeowner's association would be responsible for the bioretention. Chair Hebert said they needed a letter showing ownership from the developer's engineers, and that responsibility would not to fall on the Town.

*Chris Cross moved to approve the design, slope, and planting changes for completion of the bioretention area and landscaping in agreement with Town engineering consultant, Altus Engineering's recommendations at Dennett Farm residential development located on Lydia Lane, Tax Map 17, Lot 4. Ben Johnson seconded, and the motion passed with all in favor no one opposing, and no abstentions.*

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### C) Status Update on **Fabyan Point Road Subdivision**, Tax Map 47, Lots 5, 6 and 7

*Board member, Ben Johnson recused himself as the developer.*

Chair Hebert said he, Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering and developer, Ben Johnson did a site walk to review outstanding issues in Altus' letter, and found that the joints in paving, low dips with ponding and shaving needed had been done. Chair Hebert said the draining from Fabyan Point Road, and sheeting onto Newington Road was a result of an inadequate swale. Mr. Johnson stated that Altus had recommended that they create a separate swale to drain to the head wall. Chair Hebert said the other side was leaving Fabyan Point Road so would cut back to drain onto Fabyan Point properties. Chair Hebert said it was important, but small so would be okay to submit as built.

Mr. Johnson stated that some of the bushes around the large bioretention pond had been crushed or eaten by deer, but it was level, clean of debris, and working. Chair Hebert said he thought that the cattails and grasses did more to filter than the bushes did anyhow. Chair Hebert noted that riprap was required in front of the wet pond outlet to prevent additional growth of cattails, and the wetlands buffer plaques still needed to be put up.

Chair Hebert said he was glad they didn't use the detention pond for fire suppression because the water was stagnant, and would not be available at all during a dry se

Chair Hebert read through the list on other outstanding items, including reloaming and reseeding the grassed area, milling the center joint in the pavement, improve the grade of pavement material, create an easement for the hydrant if needed, and cut back the dead trees to improve the line of sight of Newington Road from Fabyan Point Road.

Mr. Johnson said they would be doing the final paving on September 18, 2019, and would then be waiting for the Town to accept the road after the check list was complete, hopefully before winter. Chair Hebert said that Altus would then write a letter to the Planning Board for a vote to recommend acceptance to Board of Selectmen.

**IV) Other Business:** *These items were delayed to hear the following items.*

**A) Master Plan Update:**

**B) Planning Board Meeting Schedule**

**II) New Business:**

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These items were delayed to hear the previous items first.

### A) 2020 Planning Board Budget

Chair Hebert said they still needed to finalize the Master Plan update and Capital Improvements Programs budget, but he and Vice-Chair Mantz reviewed the budget, and were trying not to increase most line items at the Board of Selectmen's request.

Chair Hebert said they would be increasing the Planner's contract from \$69,750 at \$70 per hour to \$84,650 with no benefits because they needed to a 24-hour week so that they could work with the Economic Development Committee, work on the Capital Improvements Program, and the Master Plan.

Chair Hebert said that Mr. Coogan would be retiring soon, and they were working with Rockingham Planning Commission in consideration of their next hire.

Chair Hebert recommended increasing the line item for the CIP and Master Plan from \$100 to \$15,000 so that Rockingham Planning Commission could assist in completing.

*Russ Cooke moved to accept the budget as presented. Peter Welch seconded, and all were in favor, with Mike Marconi abstaining.*

### B) Potential 2020 Zoning Ordinance Amendments

Chair Hebert recommended adding a warrant article that would promote solar panels by not taxing residents who had them. Mr. Marconi commented that residents were taxed for owning pools, and asked why they wouldn't be taxed on solar panels. Chair Hebert replied that pools were a luxury item, but solar panels were for utility and encouraged green energy.

Chair Hebert suggested updating the section on the removal of loam from development sites, unless they received written permission from the Planning Board, even if it were a double lot. Mr. Cross suggested that they also consider property owners transferring soil from multiple lots as well.

Chair Hebert commented that a 200 foot no build buffer between the Industrial Zone and the Residential Zone on Patterson Lane and Arboretum Drive might seem arbitrary, but it was a start to establish some form of protection.

Vice-Chair Mantz said they also talked about zoning to prevent tiny houses as a second dwelling on the same lot, but two dwellings on a lot were already not allowed.

Mr. Cross said he didn't like the idea of someone adding a tiny house dwelling as an Accessory Dwelling Unit (ADU), and turning it into a rental for someone other than family. Chair Hebert said ADU's currently required a common door, and he didn't want to allow detached ADU because that would be two dwellings on same lot, but suggested that Mr. Coogan check to be sure that an attached ADU met the RSA.



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It was also mentioned that it was unlikely that anyone would put a small house on a high-priced lot in town, and only about paying a high price for a lot, however, Mr. Cooke suggested that someone might want to recoup their lot expenses by building a lower cost dwelling.

Chair Hebert said he would also like to see a change in the Subdivision Regulations that required a tear-shaped cul-de-sac shaped instead of a round shape. Mr. Marconi said would be good to have Altus draw a plan for reference.

Mr. Cross commented that a 180-degree radius took a lot of land, as it did on Carter's Lane and Swan Island Lane. Chair Hebert disagreed, stating that the radius existed for fire trucks. Mr. Cross suggested making the cul-de-sacs smaller, but Chair Hebert pointed out that would require more paving for plowing.

Mr. Coogan that Town wetlands consultant, Mark West was working on completing the wetlands mapping in October 2019 because many of the wetlands boundaries had been defined, or identified in since 2001, even though may had changed.

Mr. Coogan passed out the State wetlands regulations and Mr. Marconi commented that the Town could be more restrictive than the State. Mr. Coogan said the Town had already designated prime wetlands for the State, adding that the State didn't identify non-tidal wetlands, but Newington had identified a lot of non-tidal wetlands. Mr. Coogan said the University of New Hampshire did a scientifically based wetlands buffer study in 1994 that many the Towns adopted.

Chair Hebert said he was frustrated that the New Hampshire Department of Environmental Services (DES) regulations were strict with minor residential infractions, but were not as strict with entities like Eversource, where they allowed them to jet plow through Great Bay regardless of how it disturbed the marine life. tough on residents for what he believed were minor, but then allow larger entities to jet plow through Great Bay. He said standards were put in place to do the right thing and then they allowed that.

Chair Hebert then said that he felt that the town wetlands mapping was in too late to schedule a public hearing to present as an Ordinance amendment.

**IV) Other Business:** *These items were delayed to hearing the previous items first.*

**C) Master Plan Update:** Public Hearing scheduled for Tuesday, September 10, 2019 at 6:00 p.m.

**D) Planning Board Meeting Schedule**

Board members agreed upon a meeting schedule for the next four months discussed at a previous meeting that would accommodate upcoming deadlines and holidays.

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**V) Additional Discussions:**

Discussion ensued regarding Eversource's transmission expansion project causing traffic to build up, and unsafe conditions when they didn't put up hazard cones, and direct traffic.

Chair Hebert stated that the New Hampshire Conservation Law Foundation was trying to get an emergency stay during a Federal Court hearing before Eversource did 1,000 feet of test run jet plowing, the next day.

Jim Weiner brought up the issue of developer's removing top soil from sites, and trucking in inferior soil. Chair Hebert agreed that they should beef up the subdivision regulations. Mr. Cross pointed out that the regulations were clearly written under General Provisions, Article 1V in the Ordinance. Mr. Cooke said he thought it would still be an inspection and enforcement issue.

**Minutes:** *Russ Cooke moved to approve the Minutes for the August 26, 2019 meeting with corrections as noted. Vice-Chair Mantz seconded, and all were in favor.*

**Adjournment:** *Mike Marconi moved to adjourn the meeting. Erika Mantz seconded, the and meeting adjourned at 9:33 p.m.*

**Next Meeting:** Tuesday, September 10, 2019

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

*These Minutes were approved and adopted at the September 23, 2019 Planning Board Meeting.*