

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, January 9, 2023

- Call to Order:** Chair Denis Hebert called the January 9, 2023, meeting at 6:00 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Board Members: Russ Cooke and Ben Johnson; Alternate Board member, Rick Stern; Board of Selectmen's Representative, Bob Blonigan; Town Planner, John Krebs and Jane Kendall, Recorder
- Absent:** Vice-Chair Christopher Cross; Board Members: Jim Weiner and Peter Welch
- Public Guests:** Shawn Tobey, P.E. with Hoyle, Tanner, and Associates; Ryan Plummer with Two International Group; Michael Mates with Pease Development Authority; Town engineering consultant, Eric Weinrieb, Principal P.E. with Altus Engineering

I) Public Hearings:

A) Subdivision and Site Plan Review with Pease Development Authority for Sig Sauer's manufacturing, warehouse, and office building on property located at **165 Arboretum Drive**, Tax Map 320, Lot TBD

Shawn Tobey, P.E. with Hoyle, Tanner and Associates appeared before the Planning Board with Ryan Plummer of Two International Group to present information on their subdivision and site plans for another Sig Sauer site following Pease Development Authority (PDA) regulations, and were only asking for the Newington Planning Board's recommendations.

Mr. Tobey said there were only a few temporary buffer impacts that would require Conditional Use Permit (CUP). Mr. Tobey said they would be maintaining a buffer around the historic Pickering homestead site, and they were working with the Air Force and the PDA to remove two abandoned fuel lines in the area.

Mr. Tobey said they had requested a Stormwater an Alteration of Terrain (AoT) permit from the New Hampshire Department of Environmental Services (DES) last week. Mr. Tobey said they would manage groundwater with deep sump catch basins that would funnel to jellyfish filters at the back of the site, and a stormwater pond before being released at a slow rate to wetlands, and they would work any comments from DES into their design.

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Mr. Tobey said they would be tying into the nearest gas and sewer lines, with design for potential future development.

Mr. Tobey said they had no disagreement with Town engineering consultant, Eric Weinrieb, P.E.'s comments.

Town Planner, John Krebs asked for the location of sewer impact, and an explanation of the subdivision.

Mr. Tobey said they would dig into the grass that abuts the wetland buffer for utilities, and there would be another impact at the sidewalk. Mr. Krebs asked if would be willing to extend concrete sidewalk to homestead site, and Mr. Tobey said they would.

Mr. Tobey stated that the parcel was part of the larger parcel owned by the PDA, and would be defined as a lease lot. Mr. Krebs commented that that wouldn't be an actual subdivision. Michael Mates, staff engineer for the PDA stated that the PDA subdivides their lots for land leases, and records them with the Registry of Deeds to give applicants some value.

Chair Hebert asked if the Air Force had a 100-year lease on their lot. Mr. Mates said the Air National Guard owned their own parcel, and the PDA could sell any of their parcels to the government as they have before, but they don't sell leased parcels.

Mr. Mates said the Air Force could also take some of the PDA property back if they wanted to make it a military base.

Chair Hebert said their Master Plan shows the PDA as maintaining the railway right-of-way, but he noted that they were putting utilities in the railway right-of-way. Mr. Tobey responded that the railway right-of-way starts at back, and they pulled utilities to the inside of the PDA right-of-way in case the rail wanted to do anything in the future.

Chair Hebert noted that the rails and ties had been taken up, but the proposed building utilities were up against the fence where the railway right-of-way was, and would continue into the Air National Guard lot. Mr. Mates stated that the PDA was aware, and his recommendation was that they remove utilities from the right-of-way, and that was the accommodation. Mr. Mates said they would need to make an adjustment if the railroad returned.

Chair Hebert said he also wanted them to be aware that the Air Force had spilled fuel on other side of the rail bed.

Mr. Krebs commented that the contaminated soil pile was substantial, and wondered if it would impact future expansion. Mr. Tobey replied that they tried to pull it in, but could move it if they needed to expand. Mr. Tobey went on to say that some of the fill might not be structurally sound to build on, so they might mix ratios, and vegetate in the back.

Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering said they would be seeding, but not capping, and wondered if they might in the future. Mr. Mates said they were in uncharted territory at this point.

Mr. Mates stated that the contamination was due to Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS), which had become a concern for groundwater throughout the country in the last five years, and had been discovered at Pease first.

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Mr. Mates stated that their attorneys had advised that each project keep their soils on site so they would know where they were.

Chair Hebert said the pile wasn't there originally, and asked where it came from, and if it was contaminated. Mr. Mates stated that it had come from the airfield, but they couldn't test to determine safe levels because there were no regulations for Perfluorooctanoic acid (PFOA)'S or PFAS's. Chair Hebert said he was wondering if the soil might be contaminated with zinc.

Chair Hebert said he wanted to know what was being done to stabilize it, and keep it from running into the wetlands and brook, and if the Air Force, the PDA, or the tenant would be responsible. Mr. Tobey said they could test, but there was no guidance from the government on what to do from there.

Mr. Weinrieb asked if they had talked with the Newington Fire Department regarding the canopy height. Mr. Tobey replied that they were meeting with the Portsmouth Fire Department on Wednesday, and he thought it should be acceptable. Chair Hebert pointed out that the Newington Fire Department was nearer, and would be the first to respond to fire, so they should be included in the discussion.

Chair Hebert asked if they intended to shine their lights down for dark sky compliance, and to assist the airport. Mr. Tobey said they would, but would need to coordinate lighting with shifts. Ryan Plummer with Two International Group added that they would probably shine down, but they would need to coordinate with Sig Sauer for their security cameras.

Mr. Krebs said they would present their landscaping plan at the Newington Conservation Commission's next meeting later in the week, and thought it would be nice to provide photos of cutting area for the Conservation Commission to assist them.

Chair Hebert commented that he thought they could make the landscaping plan more robust, considering that it would be the first development off Arboretum Drive rotary off the highway.

Chair Hebert said they had asked about giving stones from the stone wall to the Town, but they would rather see them incorporated into their landscape. Board of Selectmen's Representative, Bob Blonigan agreed.

Chair Hebert said they would need signatures for the Registry of Deeds, and a cover sheet.

Chair Hebert announced that Alternate Board member, Rick Stern would vote to meet the quorum.

Mr. Krebs said the Board's motion would be to recommend approval of the site plan, the subdivision, and the Conditional Use Permit as presented.

Russ Cooke moved to recommend approval of the Subdivision, Site Plan, and Conditional Use Permit for with Pease Development Authority for Sig Sauer's manufacturing, warehouse, and office building on property located at 165 Arboretum Drive, Tax Map 320, Lot TBD. Ben Johnson seconded, and all were in favor.

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Town engineering consultant, Eric Weinrieb, P.E. left at this point in the meeting at 6:38 p.m.

B) Building Height Zoning Amendment, Section 2, Article VII: To amend the method in which residential building heights were measured.

Mr. Krebs presented the changes that Chair Hebert recommended to split the definition, and add the footnote after the dimensional table.

Mr. Krebs commented that many towns handled exception requests through variances as Board member, Russ Cooke had recommended, but this wouldn't prevent a variance request if denied by the Planning Board. Mr. Krebs said the standards were easy to satisfy, and sometimes getting a variance, was problematic, and then an applicant would have to go to Superior Court.

Chair Hebert added that the wording had to be changed from the way it was worded now, because the State Legislature said that the Planning Board couldn't grant Special Exceptions.

Chair Hebert closed the public hearing, and noted that no one from the public present for comment.

Mr. Cooke said he didn't like allowing an exception by the Planning Board, and thought that the Board should state requirements on what was acceptable, and what was not. Chair Hebert said he had no problem with stating a difference of opinion, but he thought that this would allow for extenuating circumstances.

Ben Johnson moved to send place Building Height Zoning Amendment, Section 2, Article VII: To amend the method in which residential building heights were measured to the 2023 town warrant. Rick Stern seconded.

Mr. Cooke asked why they didn't present two questions for the warrant article, and Mr. Krebs explained that they had to present one question because it wouldn't work if one failed. Mr. Cooke said he didn't agree because he thought the definition and footnote were two different things. Mr. Krebs said the intent of the change was to give another opportunity with a Conditional Use Permit (CUP).

The motion passed 3-2 with Russ Cooke and Rick Stern opposing.

II) Other Business and Discussions:

Mr. Krebs informed the Board that Unitil had submitted an application, and he could notice the meeting for Monday, January 23, 2023.

Mr. Krebs announced that tree cutting in the Shackford development would begin on the following week, and they expected to begin construction of the road in March.

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Mr. Blonigan said the Town had been receiving emails asking why the Planning Board was meeting at the Old Town Hall instead of in the Town Hall where meetings were videotaped, so he referred questions to Chair Hebert. Mr. Johnson said he preferred meeting at the other the Town Hall, and Mr. Blonigan agreed, saying it was easier for him to arrive at Planning Board meetings after he was done with Board of Selectmen meetings.

Chair Hebert announced that there was a Rockingham Planning Commission meeting on Wednesday regarding affordable housing. Chair Hebert went on to say that the fair share formula had been updated to 62 units in 2040 for Newington. Chair Hebert said he thought that Newington would meet that requirement with the existing Accessory Dwelling Units (ADU's).

Minutes: *Russ Cooke moved to approve the Minutes for the December 19, 2022, meeting with corrections as noted. Rick Stern seconded, and all were in favor.*

Adjournment: *Russ Cooke moved to adjourn the meeting. Ben Johnson seconded the motion and the meeting adjourned at 7:11 p.m.*

Next Meeting: Monday, January 23, 2023

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

These Minutes were approved and adopted by the Planning Board at their January 23, 2023 meeting.