

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes for Monday, October 28, 2019

- Call to Order:** Chair Denis Hebert called the October 28, 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; and Jane Kendall, Recorder
- Absent:** Board Member, Russ Cooke; Alternate Board member, Rick Stern, and Town Planner, Gerald Coogan
- Public Guests:** Town Wetlands consultant, Mark West with West Environmental; Margaret Lamson; Lulu Pickering; Mark Phillips; Emily Savinelli

### **I) New Business:**

#### **A) Wetlands Mapping Discussion: Regarding Zoning Ordinance Article VIII Wetlands Overlay proposal:**

Alternate Board member, Jim Weiner, who also serves as Vice-Chair for the Newington Conservation Commission stated that Town Wetlands consultant, Mark West with West Environmental had been working with the Commission on clarifications to wetlands and wetlands setbacks in town for the past two years.

Mr. Weiner added that the Commission also saw that defining contiguous streams as an important step toward protecting contaminants from flowing toward Great Bay, noting that many residents have expressed concern with the health of the bay since Eversource's plan to lay down cable under the bay for their transmission expansion project.

Mr. West stated that he had been involved with doing work for Newington since 2001, and got involved with identifying prime wetlands designation with a 100-foot buffer as established by New Hampshire Department of Environmental Services (DES) for the protection of resources. Mr. West noted that the State removed their requirement for setbacks in 2007, and required new mapping.

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Mr. West presented the process and decision making of the proposal, stating that the starting point for the Conservation Commission was in asking for his assistance in identifying important wetlands to assist property owners and wetlands scientists prior to development, or encroachments. Mr. West stated that years ago the Conservation Commission began by writing an ordinance that included all wetlands contiguous to waterways flowing to Great Bay, but the building inspector, Conservation Commission, and wetlands scientists often needed to assist developers with wetlands delineations on a case-by-case basis because it was not clear which wetlands required 100 foot or 50-foot buffers.

Mr. West gave an example of the recent hotel development going in between Shattuck Way and Woodbury Avenue where more wetlands were found because wetlands change over time with beavers and water flow from development and heavy precipitation. Mr. West said a wetlands delineation by a wetlands scientist and a third-party review was required for any wetlands disturbance and structural development, whether it was a driveway or building, but every wetlands scientist was asking for him to assistance in their review because the term "contiguous" hadn't been closely defined.

Mr. West pointed out that the wetlands shown on the Meridian tax maps showed other wetlands from various projects done over the years, but was not up-to-date on all wetlands, including a parcel where a large pond had been created. Mr. West added that the map of prime wetlands which DES defined as having layers of hydraulic soils, but he discovered that some of the wetlands went through uplands and were not entirely accurate either. Mr. West did an overhead presentation showing Lidar mapping with detailed topography that showed all stream channels, and swales in town, which was a useful tool in mapping streams, but it also showed former incorrect mapping in some cases as well.

Mr. West stated that he had been tasked by the Town to map new GIS maps, showing 100' buffers, which would be presented to voters for approval as requested by the Conservation Commission. Mr. West added that he believed in graduated buffers of 75 to 50 feet depending on the environmental importance and size of the wetlands to be fair, and that swales, or wetlands in fields that were not mapped for setbacks at all.

Board of Selectmen's Representative, Mike Marconi asked what the State required for setbacks. Mr. West replied that DES no longer had setbacks up to wetlands, but did not allow encroachment in wetlands; however, the Town had existing wetland setbacks.

Mr. West stated that all his field work was done through public access of properties, and began a review of his findings.

Mr. West said a wetlands scientist looking at the contiguous to surface waters of Pickering Brook could flag all the swales or small channels, but the main purpose of was to identify contiguous tributaries and prime wetlands, and establish a 100-foot buffer. Mr. West said the previous definition of contiguous wetlands could go on and so they were now defining it as a perennial stream carrying flow to Great Bay. Mr. West

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noted that a section of Pickering Brook was listed as an existing prime wetland, which was partially manmade, but it had fish and bio criteria that made it an example of important contiguous surface water connecting to Great Bay and Trickey's Cove.

Lulu Pickering of Little Bay Road commented that she thought that the court had determined in the Portsmouth Toyota case that their manmade wetland was not required to have a setback. Mr. West replied that was one situation, but not the case in every system. Mr. Weiner added that it had been his understanding that DES determined wetlands of a certain definition and size even if they were manmade.

Mr. West said that there were a couple of intermittent streams that always carry fish, such as the system that drained under Coleman Drive, and recommended that they be treated differently than perennial streams. Chair Hebert asked if there would be a 100' setback on those streams, and Mr. West replied that they could if they were contiguous to surface waters.

Mr. Marconi commented that the ditched stream behind his house on Coleman Drive ran all year. Mr. West said he had observed scouring in the stream, but the Conservation Commission determined that the existing 100' setback would cut into lawns of existing home, so they determined that it was best not to establish setbacks there.

Board member, Chris Cross asked if an intermittent stream stopped when fed by a well. Mr. West replied that would be unique, and it would need to be determined if it was intermittent or perennial, and how far it was piped underground, and whether it came back up.

Mr. West stated that the genesis of the proposal was to protect water going into Great Bay. Mr. Cross said that all waters flowed to Great Bay, and Mr. West responded that the criteria was not to include all wetlands, but to establish if the wetlands were perennially flowing to the bay.

Ms. Pickering said that she and Margaret Lamson of Little Bay Road served on the Pease Restoration Advisory Board, and that all this water had some of highest PFAS levels of the entire seacoast, so asked if that was being addressed. Mr. West replied that he had no expertise in chemical or hazardous water, but that the Conservation Commission discussed the potential of mitigation for future restoration work on certain waterways.

Ms. Lamson stated that she had been on the Board for 20 years, and that Knights Brook flowed to the Piscataqua River as well, and that it was a mess.

Ms. Pickering agreed that Knight's Brook was terribly polluted with PFAS, and asked how it might be ditched to prevent pooling in one area, and facilitate faster drainage to Great Bay for diluting. Ms. Pickering suggested that the Conservation Commission, Mr. West, and Planning Board do a combined meeting with the Pease Advisory Board to continue the discussion.

Chair Hebert pointed out that Mr. West was hired to work on wetlands mapping, and wasn't hired to address PFAS that the government still wasn't addressing. Chair

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Hebert added that draining streams to a swamp would impact wildlife that was still depending on those streams.

Ms. Pickering suggested that the Board hold off on enacting new wetlands zoning. Chair Hebert replied that the proposal for wetlands setbacks was less inclusive and stringent than the existing ordinance of 100-foot setbacks on all wetlands, but Ms. Pickering said she didn't see it.

Chair Hebert pointed out that updating the Wetlands Ordinance would also take some of the guess work away for the building inspector. Mr. West noted that the prime wetlands would be the same, and the map would clearly show where the 100-foot setbacks were, but a developer would still need to hire a wetland scientist because the tax map and this map didn't show the wetlands with 50-foot setbacks.

Ms. Pickering said she was concerned that the setbacks on her property would be larger than they had ever been. Ms. Pickering said that she was afraid that the Board was making a decision that would take private property from her. Chair Hebert pointed out that this was the first discussion before a public hearing was posted for public comments before the Board voted, but that the wetlands were what they were, and wetlands consultants would still need to delineate them if she wanted to develop her property further, but that this proposal would not require setbacks on smaller wetlands.

Mr. Cross commented that contiguous wetlands were defined in 2003 as all surface waters, including double digit stream in the Wetlands Ordinance. Mr. Cross acknowledged that the streams on Ms. Pickering's property and his property were still significant, but currently all streams up stream required a 100-foot setback if they didn't go forward with the proposed distinctions that would change some setbacks to 75 feet, 50 feet, and in some cases remove setbacks entirely.

Ms. Pickering responded that she was afraid that the proposal wouldn't help with her wetlands, and that she didn't think anyone could understand it unless the Town mapped the wetlands and setbacks on every property. Mr. Weiner Mr. West's work was intended to create a template for wetlands scientists' reference, and that the mapping was not meant to be all inclusive of everyone's property, such as Ms. Pickering's that was a jigsaw puzzle that would require hiring her own wetlands scientist to delineate.

Ms. Pickering said she had understood that 8 acres of her property were prime wetlands, but she wasn't sure about the rest of it now. Mr. West responded that prime wetlands would already have a 100-foot setback. Ms. Pickering commented that she was paying taxes for a buildable lot, but if the new designation increased the wetlands and setbacks on her property, she didn't think it would be buildable.

Ms. Pickering commented that agricultural activities used to go right up to brooks that had no setbacks, and that she thought that wetlands would expand if people were not able to cut up to their brooks. Chair Hebert said he understood that many property owners would like to cut vegetation close to their wetlands, but DES did not allow them to change wetlands. Chair Hebert added that the definition of Prime Wetlands came

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from the State, and the Board could leave the Ordinance as it was, but a wetlands scientist would still need to delineate wetlands on developments.

Ms. Pickering passed out the Summary of the Historical Land Use on page 14 of the Master Plan that broke down acreage use from 1962 to 2015, with a 300% increase of wetlands. Ms. Pickering said wetlands acreage on industrial and commercial development stayed the same, but wetlands had increased on her property and the Frink's property, and she wanted to know what the new proposal would do.

Mr. West said that old mapping information was in the Master Plan, and that was why they were updating the mapping.

Mr. West continued with his presentation on the updated October 21, 2019 table to show that he was not chasing every little ditch, and swale, and that the purpose of the mapping and the setbacks revision was to focus on prime wetlands and perennial streams flowing to Great Bay. Mr. West compared the existing setback chart as shown in the Zoning Ordinance under Section 7, Structural Setbacks on page Z25.

Mr. West said the first category listed Prime Wetlands and Contiguous Wetlands to Prime Wetlands as having a setback of 100 feet. Mr. West stated that previously contiguous wetlands were all inclusive, and had not been defined, but the new proposal defined contiguous as flowing directly to Great Bay, and specifically named the streams with reference to the updated map so there would be no need for guessing.

Mr. West said that although man-made detention basins and treatment swales were not construed as wetlands, the Conservation Commission added McIntyre Brook and the brook by Sprague in a new category because they hadn't been listed before, and were important for the protection as they flowed directly to the bay.

Ms. Lamson asked if any consideration had been given to Flagstone Brook that ran into Trickey's Cove. Mr. West replied that the first category referenced the prime wetlands map that included Flagstone Brook, along with Railway Brook. Ms. Lamson stated that the United States Air Force (USAF) was testing oysters in Trickey's Cove for PFAS contamination.

Mr. Cross noted that the New Hampshire Department of Transportation (DOT) flattened the area around Flagstone Brook during their mitigation of the Spaulding Turnpike expansion, and that the wetlands had spread.

Mr. West said the next category was a reduction from 100 feet to 75 feet for wetlands that were contiguous with intermittent streams flowing to Great Bay, followed by a setback of 50 feet for wetlands larger than 3,000 square feet and for vernal pools. Mr. West said a member of the Conservation Commission had suggested that wetlands smaller than 3,000 square feet, which currently had no setbacks, be increased to 25 feet because of discussions as a recommendation by the building inspector who suggested that incursions that could cause an increase to wetlands.

Ms. Pickering commented that she thought the last category was enacted three years ago when Marlon Frink expressed concern with setbacks for a spring fed pond on his property. Chair Hebert clarified that Mr. Frink had objected to setbacks for 5,000

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square foot wetlands, but the Board had done nothing that year. Mr. West added that DES allows a Minimum Expedited Wetlands Permit for any impacts under 3,000.

Mr. Cross suggested that they needed to show the advantage of the reduction from 5,000 square feet to align with the State's procedures on 3,000 square feet. Mr. West responded that the purpose of establishing setbacks was to protect smaller wetlands to prevent drainage, or filling because every wetland had some function in the surrounding landscape, and larger watershed, but he agreed that they were lower in value and harder to defend because they were not deeper vernal pools.

Chair Hebert asked if there was a way of telling property owners how this would affect individual property owners' wetlands because people didn't trust that the Conservation Commission and Planning Board was trying to help people.

Jane Kendall commented that she wouldn't have heartburn over not creating a setback for wetlands less than 3,000 square feet if it meant moving forward with protecting larger and more important wetlands so long as the Commission and the Board agreed. Mr. Weiner stated that the proposal came from discussions in comparing to other regulations.

Mark Phillips of Hodgson Farm Lane suggested putting presenting both the former chart and the proposal beside one another for better comparison.

Mr. Phillips asked Mr. West if mitigation would be allowed for setbacks on multiple smaller wetlands. Mr. West replied that mitigation was an option for consideration, but it was up to the Planning Board to grant Conditional Use Permits, and it was not up to the Conservation Commission.

Mr. Marconi asked why the McIntyre and Sprague streams had been added, and Mr. West replied that it came from the Conservation Commission's suggestion that identifying McIntyre Brook as having a significant water flow that eventually ran to Great Bay would identifying it as having potential for restoration out of concern with water quality issues. Mr. West added that currently it was listed as having 50-foot buffers on both sides.

Mr. West went on to say that the stream by Sprague had not been mapped as a prime wetland originally, but it was directly connected to Great Bay, and the State already had a 100-foot setback from tidal wetlands. Mr. Marconi asked if clearing culverts clear would help. Mr. West said any wetland could be ditched and drained, but he didn't think it would change that much.

Mr. Cross noted that the proposal was now defining a smaller number of streams as contiguous stream, but he didn't see how it could be called a wetland, with banks on both sides. Mr. West said streams were still defined as jurisdictional wetlands by the State. Mr. West said that jurisdictional wetlands were broken down by categories of perennial, intermittent, and ephemeral streams. He said the Federal wetlands manual talked about hydraulic soils and vegetation for identification, but the State only required scoured steam beds, with or without vegetation in their definition.

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Ms. Pickering said she had a vested interest, but wetlands were getting greater if people were no longer able to cultivate their property up to the wetlands. Ms. Pickering added that the Town had already protected 400 acres, but the Board was not at a stage of protecting prime wetlands from PFSA's, and they needed to address what they would protect.

Ms. Pickering stated that she had already been told that eight acres in the woods were prime wetlands, but now she was being told that she might lose more land to wetlands setbacks, which meant that she had been paying property tax on wetlands for 20 years. Ms. Pickering commented that property with road frontage listed for \$190,000 an acre, and the Board was also telling property owners that they had to pay for their own wetlands scientists to delineate their wetlands, so she thought the Town had to tell property owners what they might lose.

Mr. Marconi told Ms. Pickering that requests for abatement would only go back one year. Chair Hebert suggested that Ms. Pickering talk to the Town to address her tax issues, but reminded everyone that the discussion was on wetlands and not taxes.

Mr. Cross commented that contiguous streams and prime wetlands on private lands could be mapped and photographed with aerial photos to identify 100-foot setbacks, but all others on private property would require permission for wetlands scientists to identify and delineate them. Mr. Cross said the State RSA's, and the voters of Newington approving the Ordinance determined wetlands protections for the public good. Mr. Cross said the Town could only give general guidelines, but property owners had to take responsibility for following the guidelines themselves.

Emily Savinelli of Fabyan Point Road said she and her husband had to hire someone to develop their property, and everyone understands that both wetlands and classification changes over time. Ms. Savinelli agreed that asking the Town to pay for individual property owners' wetlands delineations wasn't how development worked.

Ms. Savinelli said mapping the wetlands was a good first step, and mapping would be useful to go along with data to address pollution.

Mr. Cross said one of the tenants of the Original Master Plan set forth by former Planning Board Chair, John Rowe stated that open space was a prime goal to retain the rural character of the town, and wetlands were part of open space. Mr. Cross said he worked on maps with Rockingham Planning Commission, and the resolution on the previous maps were poor, but wetlands have always been in Newington even if they have expanded for various reasons, including a lack of agricultural activity.

Ms. Pickering commented that there were streams, but not wetlands when everyone was farming. Ms. Pickering passed out "Climate Change and Adaption Planning" – "Future Land Use Recommendations" from the Master Plan that recommended the protection of "...wetlands, shorelands, streams, and ponds from the impact of development, protect agricultural lands and activities, and preserve woodlands, open spaces, and wildlife habitat." Ms. Pickering said her property had all those, but there would be no place to put a dog house if she protected all that.

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Chair Hebert said the section began with the statement that the Town would continue to collaborate with neighbors on regional opportunities, but would also work to prevent future loss of land for Federal, State and utility uses whenever possible. Chair Hebert said the semantics of protection was regarding working with people that wanted to put their property into conservation easements, and the Ordinance did not say that property owners could not use their property. Chair Hebert noted that there was no forestry ordinance.

Mr. Cross pointed out that the Master Plan was a policy document, but it was not an ordinance that required putting something into enactment, whereas, the wetlands ordinance had been supported by residents for protection.

Ms. Pickering commented that there had been a distinction between valuable and worthless wetlands when the wetlands ordinances first went in, and that she feared that the new proposal was more restrictive.

Chair Hebert asked if Mr. West could quantify distinctions in wetlands values. Mr. West pointed out that the maps in the Master Plan were not based on clear definitions of wetlands science. Mr. West added that he had received an email from Town Administrator, Martha Roy asking if he could map private properties, but it would be very expensive, and he was not sure that it would be feasible to do all the properties in town.

Mr. West said the forested wetlands had already been established as prime wetlands on Ms. Pickering's property already, and that out that wetlands mapping showed that development couldn't be built in Ms. Pickering's wetlands according to DES anyhow. Chair Hebert said he understood concerns, but this was to keep the building inspector from denying permits because there was no clear mapping, and not to take property from Ms. Pickering.

Board member, Peter Welch asked what effect the rising sea levels would have on wetlands. Mr. West replied that he had flagged tidal wetlands boundaries, and had returned 15 years later to find dead trees from the rising levels.

Chair Hebert recommended that the 25-foot setback for wetlands smaller than 3,000 square feet be removed.

Chair Hebert continued the discussion to November 12 or 25, 2019.

#### **B) Mixed Use and Multi-Unit Housing Discussion:**

Mark Phillips of Hodgson Farm Lane appeared before the Board to share his thoughts on the Board's stance on mixed use and multi-unit housing. Mr. Phillips said he hoped the Board would carefully consider the State's requirement for multifamily housing of five or more units in the same building under RSA 674:58. Mr. Phillips pointed out that the requirement had been met up until the former Great Bay Services residential home was torn down 30 days prior.



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Mr. Phillips referenced an article written Russel Thibeault, a New Hampshire economist that had done statistics showing that there are .48 children in a single-family home, and .33 children in an apartment, showing that apartments do not create a lot of children. He said the argument that kids would ruin the school system or raise residents' tax rate is a fallacy and poor argument as there are fewer kids in the schools. Mr. Phillips said as a result three to four-bedroom houses were not being built as often because of the reduced population, but there was a market for studios and one-bedroom apartments.

Mr. Phillips stated on December 31, 1988 the closing of Pease Air Force Base was announced, and it was a ghost town for three years. He said now there were 1200 units, and 10,000 jobs at Pease Tradeport, so the need for housing was critical, but there was no affordable housing for workers in the area. Mr. Phillips said the powers that be at Pease do not want multi-unit housing there because they say aviation is not compatible with residential even though Pease served as an Air Force base for half a century. Mr. Phillips said even with hundreds of units being built in Dover, at \$2,000 a month, it wasn't even making a dent in the need, and the lack of housing was affecting the economy in a terrible way.

Mr. Cross commented that the State did a lot for the economy with establishing Pease Tradeport, but they didn't provide for housing even though houses were left on base for a long time. Mr. Marconi commented that base housing would have been substandard housing. Chair Hebert added the State said they didn't want to devalue surrounding property any further.

Mr. Phillips said that the big box store era was over, and there was 13 acres on the former Sears site that was identified as a viable site. Mr. Phillips said he thought that a combination of retail and residents in a community like Tuscan Village in Merrimack could work very well for Newington. Mr. Phillips said there was no need for a high rise building as there was plenty of acreage so it could be a single-story building.

Chair Hebert reminded everyone that the Town proposed multi-unit housing at the former drive-in location before Exit 3 along the Spaulding Turnpike where there was Town water and sewer, but DOT took the property for their staging area. Mr. Phillips said he recalled, but just as the Air Force told the Town in 1952 said in the deeds that they would return properties, but the State said that would never happen when they closed in 1988, so there was no wisdom in going over the same territory because it would not make a point. Mr. Cross said the Board looked at other areas for housing, including the drive-in, but now the DOT informed them that the temporary laydown area would be a permanent space, but he thought there was still room for housing there.

Mr. Phillips said he understood that they wanted to keep the rural side of town, life here want to keep, but Fox Run Mall was dying, and there was a lot of real estate there that could be for multiple uses.

Mr. Phillips said he could get in with a cardiac surgeon faster than a plumber because a plumber had nowhere to live nearby. Chair Hebert said it wasn't just a matter

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of a housing shortage, but also a change in professions that made tradesmen less plentiful, and that many schools had ended trade programs. Mr. Marconi said his son taught electrical and there was a waiting list, so he thought the trend was changing.

Mr. Cross said he never feared the impact to the school because there were less than 60 students there, and the school was built for 120 students in a pinch. He noted that it costed as much to keep the building up regardless of the number of students, but more space and teachers would be needed for more students.

Mr. Cross commented that other surrounding communities like Greenland, New Castle and Portsmouth had met their workforce housing requirements because land costs were so high, and 100% of the Sears building would be needed to solve their entire workforce housing needs. Mr. Phillips said there was no property available in Greenland, so that was immaterial anyhow.

Mr. Cross stated that he was concerned with mixed use in an area that was laid out for higher taxation. Mr. Cross said he understood that large commercial and retail use might not come back, but he wondered if there might be an industrial use for higher tax revenue for the town.

Mr. Phillips responded that the parcel was assessed at \$65 per thousand, but it wasn't possible to build for less than \$125,000 per square foot, so already it was assessed for more than it was worth. Chair Hebert commented that they also needed to account for the cost of municipal services.

Ms. Savinelli commented that someone on the Budget Committee had asked about the capacity for the school without hiring more teachers or adding more rooms and lockers, and it was a lot lower than imagined with a current average of 14 students per teacher. Mr. Marconi said there were 56 students at Newington Public School, but ten were tuitioned from out of town.

Mr. Weiner stated that the school costs were currently at \$34,000 per thousand, but they did a lot for the students, and he was concerned that more kids would be outsourced to a wing not being used in Greenland. Mr. Phillips responded that 106 units would only add about 12 kids, but there also was a big need for housing for older residents.

Chair Hebert asked Mr. Phillips what he thought of multi-unit housing with their own septic treatment on the village side. Mr. Phillips said he had no problem with it, but he got the impression that many wanted to keep the rural appearance of the village, so it made sense to put multi-use housing where municipal water and septic already were in place. Chair Hebert agreed that like many things, no one wanted it in their back yard.

Chair Hebert asked what would happen if they put apartments on the second floor of the former Sears building, and then what would happen if businesses failed, and then if the owners proposed to make the property entirely residential. Chair Hebert that they continue looking at what has failed, and what has worked in other communities. Mr. Phillips suggested looking at Tuscan Village, and other examples during a charette, rather than reinventing the wheel. Chair Hebert responded that he had reviewed the

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concept plan for Tuscan Village, but a large number of residents supported the businesses better.

Mr. Cross stated that Pease Development Authority invited four developers who said that it took 100 to 200 units to make multi-unit housing sustainable, so they would need significant influx of people. Mr. Phillips said they would need to coordinate with the surrounding business community so that it wouldn't be an isolated island, but he thought it would work very well.

Mr. Phillips said he would rather see careful planning for the community, than have an indifferent developer come in with a proposal.

*Jim Weiner left at this point of the meeting at 8:42 p.m.*

#### II) Old Business:

##### A) Proposed 2020 Zoning Ordinance Amendments:

###### 1) Amendment #1: Solar Ordinance

Mr. Cross said Town counsel, Attorney John Ratigan approved the draft, but he thought they didn't need to include the State Ordinance, and that it could be more succinct.

Chair Hebert agreed that it needed more work. He commented that the Ordinance needed to protect abutters, so they should address screening, and placement in the Historic District.

###### 2) Amendment #4: Addition of **Section 14 – Gas Transmission Pipeline** to Article IV General provisions

Chair Hebert stated that two informational articles on studies on gas lines in Pennsylvania, Texas, and Canadian groups that were passed out at the Master Plan meeting for the Board to review.

Mr. Cross reviewed the history of the Class I and Class II gas lines in town that were now 20 years old. Mr. Cross said the Federal the government established 50-foot easement to protect the pipe from construction, but there were concerns that there should be greater setbacks in the residential areas.

Mr. Cross said the report suggested that one report suggested that a setback of 770 foot setback on each side would be safer if there was ignition and ensuing explosion of a leak or damage from a collision, but it was impractical to expect anyone to purchase that much property, and therefore recommended declaring a 200 foot hazard setback on each side out of reasonable concern.

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Mr. Marconi asked what the life expectancy of the pipes were, and Mr. Cross said life expectancy was not set by Federal standards, but seven miles away there were safety valves that were inspected regularly.

Mr. Marconi asked what the liability would be, and what the setbacks were in other towns. Chair Hebert replied that he didn't think there would be a liability so long as abutters were notified.

Mr. Cross said that setback zones varied from 50 feet to 750 in communities in Pennsylvania and Washington states based on several factors, but he thought it would be confusing to use varying setbacks, so he recommended a setback of 200 feet. Mr. Cross said it would not be proposed as a safety setback, but as a high consequence setback.

Chair Hebert said there were different opinions all over the country as to what impacts would occur at different distances, but rather than waiting months or years for studies, he thought establishing 200 feet to limit future residential development was better than to doing nothing.

Mr. Marconi said he was concerned with the difficulty of explaining the rationale for the 200-foot setback rather than a 300-foot setback if someone called the Town.

Mr. Cross said the study suggested identifying a setback of 250 feet set by the Federal government at critical areas such as Pease runway, and the Spaulding Turnpike.

Mr. Marconi suggested that Mr. Cross do a presentation for the Board of Selectmen. Chair Hebert responded that it was the Planning Board that was proposing the warrant article, not Mr. Cross, and suggested that that the Board of Selectmen attend the Planning Board meeting. Mr. Cross added that he could write a synopsis of the study, the Board would write up the article proposal, and the Board could invite the Board of Selectmen to the public hearing.

#### **B) Residential Development: Updates**

*Board member, Ben Johnson recused himself on this item.*

Chair Hebert informed the Board that he did a preliminary walk through for Lydia Lane and Fabyan Lane with Town engineering consultant, Altus Engineering, and that they were ready for the Board to do a final walk before making a recommendation for the Board of Selectmen accepted the roads.

Vice-Chair Mantz asked when they would receive the plans for the ditch line at the end of the property. Mr. Johnson said they should arrive in the mail. Mr. Johnson said he asked Altus if he could move soil in the Spring and Altus said that would be fine since they were holding a maintenance bond anyhow.

Chair Hebert said that Mr. Coogan was on vacation so he would have Martha Roy and Altus coordinate a site walk at 2 p.m. on Tuesday, November 12, 2019. Mr.

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Cross stated that he wanted to receive comments from Altus earlier so he could do the site walk on his own, and provide comments, as he would not be available for the meeting.

*Vice-Chair Mantz left at this point in the meeting.*

#### **C) Master Plan:** Rockingham Planning Commission contract amendment

Chair Hebert informed the Board that they needed to amend Rockingham Planning Commission's contract for \$2,500 to complete their work.

*Chris Cross made a motion to approve a payment of \$2,500 to amend Rockingham Planning Commission's contract. Peter Welch seconded, the motion, and all were in favor.*

#### **IV) Updates:**

##### **A) Mixed Use Study:**

Chair Hebert informed the Board that he had obtained a quote for a mixed-use study for under \$6,000 that could come out of the 2019 budget if the Board approved of it.

Mr. Cross commented that it was important that the study include consultation with the fire department, police department, and the school.

*Peter Welch moved to accept the payment of less than \$6,000 for a mixed-use study from the 2019 budget. Ben Johnson seconded the motion, and all were in favor.*

##### **B) Capital Improvements Program**

Chair Hebert informed the Board that he had obtained a quote that would not exceed \$11,580 from Rockingham Planning Commission (RPC) to assist with the Capital Improvements Program (CIP) update.

Chair Hebert said that the RSA said that planning boards were responsible for their CIP updates, but Theresa Walker with RPC would take the lead on the project. He added that it was important that different boards participated, and that Board of Selectmen, Ted Connors, Town Administrator, Martha Roy and the Budget Committee said they wanted to participate.

Chair Hebert said during the CIP, they didn't consider any known Town improvements or projects that were under \$50,000 to keep costs level.

**Town of Newington, NH**  
**PLANNING BOARD**

Meeting Minutes for Monday, October 28, 2019

*Chris Cross moved to award the Capital Improvements Program contract to Rockingham Planning Commission for \$11,580. Ben Johnson seconded the motion, and all were in favor.*

**C) Planning Board Budget**

Chair Hebert commented that by the time the budget was passed in March 2020, they would be told to stop spending the previous year's funds, so it was important to remember to encumber funds.

**Minutes:** *Mike Marconi moved to approve the Minutes for the October 15, 2019 meeting as corrected. Ben Johnson seconded the motion, and all were in favor.*

**Adjournment:** *Mike Marconi moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 9:48 p.m.*

**Next Meeting:** Tuesday, November 12, 2019

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

*These Minutes were approved and adopted at the November 12, 2019 Planning Board Meeting.*