

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, November 21, 2022

- Call to Order:** Chair Denis Hebert called the November 21, 2022, meeting at 6:00 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Board Members: Ben Johnson; Jim Weiner and Peter Welch; 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, and Board Member, Russ Cooke;
- Public Guests:** Gregg Mikolaite; P.E with August Consulting, PLLC; Bob Clark; Joey Fonseckoe with Bohler Engineering; John Chagnon, P.E. with Ambit Engineering; Robert Schummeric, Gas Engineer for Unitil; Roger Barham, Manager for Granite State Gas Transmission, Tracey Sweeney, Senior Land Agent with Unitil; Eric Reuter with Reuter Associates, LLC; Mark Dupuis with Unitil; Town Engineering Consultant, Eric Weinrieb, P.E. with Altus Engineering

**I) Public Hearing: Site Plan Review by Zero West Park Realty Trust** to redevelop the existing Moko Japanese Steakhouse into a drive-thru **Chick-Fil-A** restaurant on property located at 2060 Woodbury Avenue, Tax Map 27, Lot 20

Gregg Mikolaite, P.E. with August Engineering introduced the project to the Board, and responded to comments from the Town planner and engineering consultant.

Bob Clark presented overall plans, and request for parking and green space waivers.

Mr. Clark pointed out that there was no green space on existing site, and they would be removing 3,000 square feet impervious pavement, including the edge of pavement away from wetland buffer.

Mr. Clark stated that they were requesting a waiver from the existing 120 spaces, and maximum requirement of one parking space for every three seats, because they would only have 24 employees and 94 seats.

Chair Hebert said they wanted to be sure the entrance and exit was safe for a lot of traffic and truck turning radius. Town Planner, John Krebs noted that deliveries would occur in middle of night, so trucks taking up the entire drive wouldn't be a problem.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, November 21, 2022

Board member, Ben Johnson noted that the entrance from Woodbury Avenue was private property. Mr. Krebs said it was, and they didn't know what kinds of further development would happen for the malls, but the applicant's plan solved their concerns.

Chair Hebert said it would be nice to see more green space for shading to address increasing heat and stormwater runoff from impervious surfaces. Chair Hebert said trying to get some shading on pavement. Chair Hebert added that plantings needed to be deep with irrigation because trees didn't grow well in gravel, and with the surrounding heat.

Mr. Krebs said would they need to go before the Conservation Commission make sure their tree selections were salt tolerant.

Chair Hebert asked that they also needed to consider interconnectivity for future development. Mr. Mikolaites responded that the area between their lot and Aldi's was wet, and there already were a couple of connections from iParty to Barnes and Noble and the Regal Cinema. Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering said they could build a board walk, but agreed that the area was wet, isolated, and not very inviting.

Chair Hebert said he would like to see a road connecting another road in the future.

Joey Fonseckoe with Bohler Engineering said they would return with their sign and parking variance requests.

Mr. Mikolaites said they would address the comments, and submit their updates, and landscape proposal on Monday, November 28, 2022.

Mr. Krebs said they could meet with the Conservation Commission on Thursday, December 8, 2022, and return to the Planning Board on Monday, December 19, 2022.

*Peter Welch moved to accept the site plan by Zero West Park Realty Trust to redevelop the existing Moko Japanese Steakhouse into a drive-thru Chick-Fil-A restaurant on property located at 2060 Woodbury Avenue, Tax Map 27, Lot 20 as substantially complete, and to continue the public hearing to Monday, December 19, 2022. Ben Johnson seconded, and all were in favor.*

**II) Preliminary Consultation:** with **Unitil/Granite State Gas Transmission/ Northern Utilities** to upgrade and replace an existing gas facility with a new facility needed for system reliability. The new facility will include a meter station, pig launcher (pipe cleaning, and retriever, meter, and filter. The project will be located at Tax Map 7, Lot 2A, owned by SNS Equity, LLC.

Mr. Krebs said Vice-Chair Cross had requested maps of where the gas lines ran.

John Chagnon, P.E. with Ambit Engineering said they had returned to address comments, and provide some renderings of the building.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, November 21, 2022

Roger Barham, Manager, Granite State presented an overview showing the existing conditions with buried pipelines, the above ground line and main line valve, the line under Little Bay, and the feeder station across from Mitchell's Gulf off Exit 4S.

Mr. Barham stated that they were required by Federal regulations to identify high volume traffic in an area of Rockingham Electric, and Nimble Hill Road to consider access for inspection and repairs with a launcher and receiver.

Mr. Barham reviewed details of Option A

1. Limited access to the pipeline on the New Hampshire Department of Transportation (NHDOT) right-of-way

2. Abandon the small compound, and retain the existing meter across from Mitchell's Gulf off Exit 4S.

Option B (preferred)

1. Construct bridge, launcher receiver and meter and regulation station on private easement away from NHDOT right-of-way

2. Abandon existing mainline valve bridge

3. Abandon meter and regulator station across from Gulf, better safety, and visuals.

Mr. Weiner said his main concerns were sounds emitted and the building design. Mr. Weiner said they could abate noise, but suggested they put a peaked roof on the building to avoid an industrial appearance.

Mark Dupuis with Unitil responded that there were fire code requirements for the precast concrete building that was designed for flat roof with louvered system, and included blow out panels for relief at the top rather than allow the sides to explode. Mr. Dupuis added that a peaked roof would not release the way it was supposed to.

Mr. Johnson asked for the height of the building. Mr. Chagnon said the building was 11 feet high from grade to the top, but 12 feet high with louvers.

Chair Hebert noted that the rendering looked like redbrick instead of precast. Mr. Dupuis said they were proposing a stucco brick finish on the outside for aesthetic reasons, which they were also doing on another precast building in the middle of a residential area in Dover. Mr. Dupuis said they could also apply a different door and trim option.

Alternate Board member, Rick Stern said he was under the impression that all operations equipment was inside building. Tracey Sweeney, Senior Land Agent with Unitil said the launchers and receivers had to be outside for safety. Mr. Barham added that they would be screened behind fencing.

Mr. Stern asked if there would be noise from maintenance blow out. Mr. Barham replied that the new design would not make noise because they recompressed gas, and returned it back to the gas line, and they no longer opened the lines.

Eric Reuter with Reuter Associates said he had done a noise study on November 1, 2022, that looked at local or state regulations, and included a noise impact study of

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, November 21, 2022

existing conditions over 24 hours in a week, and studies from other facilities. Mr. Reuter stated that it was a fairly noisy site, and he expected little impact on residences considering most of the proposed equipment would be inside an enclosed structure with louvers. Mr. Reuter stated that the outside heaters, five minutes of maintenance a week, and the use of an occasional emergency generator would be on par with a residential backup generator.

Chair Hebert asked if the noise could be compared to a lawnmower. Mr. Reuter replied that a lawnmower would be at 90 decibels, and the noise from this operation would be lower, at an equivalent to someone talking.

Chair Hebert asked when generator would be run. Mr. Dupuis said their generator was typically set to run between 10 a.m. to 2 p.m. before the weekend, and the noise from the heaters running in the winter would be lower than the current system.

Mr. Dupuis said the new station would be a lot quieter because the regulator runs are done inside building, and they don't do blow offs anymore.

Mr. Dupuis said pigging maintenance operations have to be done every six to seven years. Mr. Barham added that would probably involve a few days of general construction work with a couple of pickup trucks and about five people,

Mr. Weiner asked if could do an upgrade with Option A and replace the meter station across from Mitchell's Gulf. Mr. Barham said the driving force of improvements was to meet Federal inspection requirements with a launcher and receiver, and they would have to do encroachment permit every time they did an inspection because they couldn't put an upgrade in the DOT right-of-way, so they would prefer to put a new station on private property. He said this proposal would be more costly, but more attractive and quieter.

Chair Hebert asked why they wouldn't go over to Rockingham Electric. Mr. Barham replied that a launcher couldn't go there because it would have to go from a facility of diameter change on the other side of the highway.

A discussion ensued regarding the reasons for various pipe diameter changes, and Mr. Barham explained the history, locations, lengths, and costs of the pipe diameters, and justification for replacements.

Chair Hebert asked why they replaced the piping along a section of the newly proposed DOT garages, and Mr. Barham explained that they had to be moved due to encroachment.

Chair Hebert said he didn't understand digging up pipe, and using pigging for two different sized pipes. Mr. Barham said their inspection requirements were very expensive, so they had to consider what was essential and most cost effective.

Mr. Dupuis said they were looking to improve safety and aesthetics, but they didn't have to remove and replace the existing station off Exit 4S, and could take nearly two million dollars off the costs there; however, replacing the steel line would cost five million. Mr. Dupuis said there were financial and hydraulic interests, and they had to

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, November 21, 2022

make decisions with a corporate board, regulatory requirements, and rate payers in mind.

Chair Hebert said he understood that they had studied their option before, but the Planning Board was trying to catch up, and he had to ask questions for the public as well.

Mr. Johnson commented that they could have just gone with to DOT with Option A, and not presented to the Planning Board, but Option B would improve the appearance of the gateway to the town by removing the older structure there.

Chair Hebert asked if they would have eminent domain. Mr. Sweeney said they were using their right to rebuild because they were in the DOT right-of-way. Mr. Dupuis said they were trying to find a good solution to avoid DOT from telling them move it again.

Mr. Stern asked if would need to build another facility on Beane Hill, and Mr. Barham said they would.

Mr. Krebs pointed out that the rendering they had presented was responsive to the Board's previous request for a brick façade and wrought iron fencing.

Mr. Weinrieb noted that there was a highway on two sides of the property, and asked if they could have sound attenuating to bounce sound back to the highway. Mr. Reuter replied that sound levels were so low that there would be no additional impact, and so it would be difficult to justify a solid fence.

Mr. Weinrieb suggested that they consider some additional landscaping. Mr. Chagnon responded that it would be a challenge to push the private property owner to expand the easement. Mr. Weinrieb suggested that they might ask DOT to allow some landscaping on their side.

Mr. Sweeney said they would be glad to consider landscaping, but would need to be sure they wouldn't create a problem with any large trees in their right-of-way, and limbs blowing down on their building.

Chair Hebert suggested that they plant something inside the fence, staggered with something outside the fence that was deciduous, and deer resistant.

Mr. Dupuis said they would discuss a peaked roof with their building manufacturer to see what they could do that was compliant. Mr. Weiner suggested that they look at how strip malls did their overhangs.

Mr. Johnson asked if they would make an inquiry about bringing gas to more residences, and it was stated that it couldn't be tied into this project, but they would look into it. Chair Hebert said considering at four corners by town hall, and up to town garage.

Mr. Krebs asked they applicant to provide information before December 15, 2022, for the Monday, December 19, 2022, meeting to continue discussions.

## Town of Newington, NH

### PLANNING BOARD

Meeting Minutes, Monday, November 21, 2022

**III) Minor Site Plan Modification:** of **Best Buy** to install exterior pick-up lockers and create dedicated parking for pickups located at 45 Gosling Road, Tax Map 34, Lot 3-6

Chair Hebert said the applicant was not able to attend, but the Board could still discuss the proposal.

Mr. Krebs said they were putting in lockers, bollards to protect the front of the building, and eight dedicated parking spaces for pickup delivery to cars.

Chair Hebert said they were restriping the area, and the fire chief had no problem.

Chair Hebert said the question would be if people would continue to park in the fire lane in front, but if so, he thought they would move along quickly.

*Peter Welch moved to approve minor site plan modification for Best Buy to install exterior pick-up lockers and create dedicated parking for pickups located at 45 Gosling Road, Tax Map 34, Lot 3-6. Jim Weiner seconded, and all were in favor.*

#### **IV) Other Business and Discussions:**

Mr. Krebs said met with the property owner of the former Family Buffet on the corner of Piscataqua Drive and Woodbury Avenue. Mr. Krebs said Wilcox Industries had leased the for parking, and were considering a purchase, but decided otherwise since Northeast Credit Union was not building across the street in the adjacent lot.

Mr. Krebs said the property was in the Office Zone, and because office use had declined, the owner wanted to allow retail or flex space for business startups, or a drive-thru restaurant with online ordering.

Mr. Krebs said the property owner could ask for a variance, if need be, as any changes to zoning would probably have to wait until Town Meeting 2024. Chair Hebert said he wanted to do a work session.

Chair Hebert said he was concerned about retail going closer to the critically important waterfront industrial area that was critical to area. Chair Hebert said there was a lot of retail property across the street, the Crossings Mall, and Newington Park sites were successful, but there was a lot of unused space still available at the Fox Run Mall, and they still didn't know what further development would occur at Newington Park.

Mr. Krebs said the lot has sat vacant for a long time, and a \$10 a foot metal building would be an eyesore, so he would like to see a nicer building on the site.

Mr. Krebs said they had talked about medical buildings, but there were a lot in area.

Chair Hebert said removed restaurant use in area, but may need to be flexible and work with applicants.

Board member, Peter Welch said would be a good idea for the hotel to move out of the swamp area.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, November 21, 2022

\*\*\*\*\*

Chair Hebert said he had expected Brandon Arsenault to attend the meeting to discuss reconsideration of looping electric lines on the Akerley development because they had run into an issue with costs.

Chair Hebert the Board had established the regulations to be in compliance with Eversource requirements at the time. Chair Hebert said looping was a good system that allowed power to come back on after a break within minutes, but Eversource had since removed the requirement for fewer lots since developers' costs had risen.

Mr. Krebs agreed that looping was a benefit to the homeowner. Mr. Krebs said looping had also been part of the conditions of approval, and suggested they reconsider for the development with only four or five lots.

Chair Hebert said the Board had granted a lot of exceptions for the Akerleys' subdivision like reducing the road width because it was a private road, but he was concerned for years later when their families were no longer there. Board of Selectmen's representative, Bob Blonigan said would have to widen road if they wanted to make public road.

Mr. Johnson noted the Eversource hadn't required looping when they developed Fabyan Point in 2017, but they had because it was a Town requirement. Mr. Johnson said it was unfair if other developers had followed the regulation

Chair Hebert said could update the regulations, but before that they needed to know if they should waive the requirement for the Akerleys' development.

Mr. Welch asked how often underground utilities were disrupted. Mr. Krebs said conduits rarely failed unless cut with an excavator, and if the ends were not capped.

Chair Hebert said Eversource, and other towns had gotten rid of the requirement, so they would need to change the regulation if they were to allow a waiver. Mr. Blonigan agreed they should remove the regulation if they allowed a waiver. Mr. Weiner said the impact was on the homeowner, and not the Town, and generators were more cost effective than looping. Mr. Krebs suggested that they leave the decision up to Eversource on whether the Town changes the requirement.

Mr. Stern said the issue was that the requirement was on the approved conditions and plan. Chair Hebert said they would need to update as a minimum on the as built.

\*\*\*\*\*

Mr. Blonigan said he wanted to encourage an informative joint meeting on subdivision regulations between the Historic District Commission and the Planning Board.

Chair Hebert said the Board had invited the Historic District Commission to joint meetings before, and they hadn't attended. Mr. Blonigan said it was important for their understanding. Mr. Weiner suggested that the Board of Selectmen chair the joint meeting.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, November 21, 2022

Mr. Krebs said it would be important to discuss Historic District boundaries as well.

Chair Hebert said the RSA was clear that the historic districts reviewed architectural renderings for established historic aesthetics and standards in their historic districts, and the Planning Board was a land use board that regulated and reviewed boundaries and subdivision regulations.

Mr. Stern agreed that the Newington Historic District needed to be aware and follow Town Regulations and Ordinances the same way the Portsmouth Historic District did.

**Minutes:** *Ben Johnson moved to approve the Minutes for the October 24, 2022, meeting with corrections as noted. Peter Welch seconded, and all were in favor.*

**Adjournment:** *Peter Welch moved to adjourn the meeting. Ben Johnson seconded the motion and the meeting adjourned at Mr. Johnson 9:26 p.m.*

**Next Meeting:** Monday, December 1, 2022

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

*These Minutes were approved and adopted by the Planning Board at their December 19, 2022 meeting.*