

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, March 22, 2021

Call to Order: Chair Denis Hebert called the March 22, 2021 meeting at 6:08 p.m., followed by the pledge of allegiance.

Present: Chair Denis Hebert; Vice-Chair Erika Mantz; Board Members: Russ Cooke; Christopher Cross; and Peter Welch; Alternate Board members, Rick Stern and Jim Weiner; Board of Selectmen's Representative, Bob Blonigan; Town Planner, John Krebs and Jane Kendall, Recorder

Absent: Board member, Ben Johnson

Public Guests: Megan Harrier, Jessica Meehan with Fox Point Recovery Center; Mike Garrepy with Garrepy Planning Consultants, Peter Beauregard; Erol Moe; John Chagnon, P.E. with Ambit Engineering; John Klanchesser; Jack O'Reilly; Jose Valdez with Georgia Pacific Gypsum; Phil Corbett, CMA Engineers; Newington Fire Chief, E.J. Hoyt; Chase Coleman, Town Video Recorder

Chair Hebert announced that Alternate Board member, Jim Weiner would vote in in Board member, Ben Johnson's place.

I) Preliminary Consultations

A) Discussion of zoning use for proposed **Recovery Center** on property located at **2299 Woodbury Avenue, Tax Map 19, Lot 9.**

Jessica Meehan appeared before the Board representing a recovery center proposal in the Northeast Medical Center that they hoped to call the Fox Point Recovery Center.

Ms. Meehan said the proposal was for a men's 15-bed, 24-hour subacute, overnight residential detox and treatment center for alcohol or drug addiction that didn't require hospital level coverage. Ms. Meehan said treatment stays ranged from 5-28 days in the locked 24-hour medically staffed center with no outpatients.

Ms. Meehan said the other tenants in the building were fine with the use, but there would be no interaction with a maximum of one to two patients checking in at the back entrance.

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Ms. Meehan stated that New Hampshire leads New England and was third in the nation in opioid deaths. Ms. Meehan went on to say that the nearest similar recovery centers were in Portland, Maine, and the only other similar treatment centers offering Suboxone treatment in New Hampshire were in Concord, Effingham, and Manchester, with none on the Seacoast. Ms. Meehan said opioid detoxification was uncomfortable, but not fatal; however, alcohol and diazepam addiction and withdrawal could be fatal, so they were providing a critical service to those that didn't require hospitalization.

Megan Harrier, representative for Northeast Medical Center stated that they had come before the Board to determine if the center would be an allowed use in the Office Zone without applying for a variance. Ms. Harrier noted that medical clinics were allowed in the Office Zone, but specifics were not defined, and hospitals and nursing homes were allowed in the Commercial Zone. Ms. Harrier commented that hospitals offered a broader range of services and these clients wouldn't require the same heightened care as the elderly in a nursing home that couldn't care for themselves.

Board member, Russ Cooke asked if there would be visiting hours. Ms. Meehan replied that visitation would be restricted to three or four visitors on Saturdays and Sundays for certain clients.

Board member, Chris Cross asked how much space they would occupy in the building. Ms. Meehan estimated the proposed 7,000 square foot space was 25% of the overall building.

Mr. Cross asked if patients would always be in the building, or if they would be allowed outside in a picnic area. Ms. Meehan replied that clients would have to be accompanied by staff for four or five 15-minute smoke breaks outside, and that licensing required that they be 25 feet from the building.

Mr. Cross asked if clients would have monitoring bracelets to go to the shopping areas across the street. Ms. Meehan replied that licensing restrictions required that staff accompany clients on breaks off site. Ms. Meehan said the only exception was if a client left treatment, and family and police would be notified.

Mr. Cross noted that the owner of the building was also aware that there was a three-acre conservation area nearby that might be utilized as well. Ms. Meehan said they would review the possibility.

Mr. Cross asked about meals, and Ms. Meehan replied that meals would be catered.

Mr. Cross commented that heavy industrial use was behind them on Shattuck Way, and it would be important to have overnight staff on duty to respond to emergency notifications. Ms. Meehan stated that overnight nursing staff was visible by camera, and it was a fireable offense if they were not awake.

Town Planner, John Krebs commented allowing the use was not a black and white decision, so they were looking for the Board's guidance.

Mr. Weiner asked for the statistics of how many clients stayed five to seven days, and how many stayed 28 days. Ms. Meehan said anecdotally 30% of clients were

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treated in five to ten days, but it was often dictated by insurance coverage, and it would never go over 28 days.

Chair Hebert commented that according to the Ordinance “residential” use meant someone would be living there, and he wondered if they might call it something else as it was not zoned for residential use. Ms. Meehan said insurance referred to it as a residential treatment, but the American Society for Addiction referred to it as medically managed treatment so could change it.

Chair Hebert asked if Fire Chief Hoyt had any comment, and he said he did not.

Chair Hebert said the Town would want to know the impact on municipal services and asked how often they would use an ambulance service. Ms. Meehan said someone might come in needing an ambulance transfer now and then.

Mr. Weiner asked Mr. Krebs if he thought the use would be acceptable in the Office Zone, and Mr. Krebs said medical clinics weren’t defined in the Ordinance, but there already were some overnight cosmetic clinics, so he felt that this was similar.

Mr. Weiner said he had an issue with the business model for the duration of stays. Mr. Cross responded that the site had been adopted for medical treatment centers, and they would be meeting State requirements with overnight staffing for emergencies, and the client stays would be limited to 28 days.

(Alternate Board member, Rick Stern arrived at 6:40 p.m. at this point in the meeting.)

Chris Cross moved that the use for a 15-bed, 24-hour subacute, overnight detox and treatment medical clinic for alcohol or drug addiction on property located at 2299 Woodbury Avenue, Tax Map 19, Lot 9 as an acceptable use in the Office Zone based on fact that there would be 24-hour staffing, and limited stays. Russ Cooke seconded the motion, and all were in favor.

Mr. Krebs said he would contact the applicant with details for a change of use, and requirements for a minimal site plan for access and parking.

Mr. Cross commented that Fox Point was a special conservation area in town, and there already was a Fox Run Mall, Fox Run Road, and Fox Point Road so he thought they might discuss it further with the fire department regarding 911 identification.

B) Discussion of proposed residential subdivision on property located on Nimble Hill Road, Tax Map 6, Lot 1; Tax Map 11, Lots 2 and 3; Tax Map 12, Lots 4, 6 and 9.

Mike Garrepy with Garrepy Planning Consultants appeared before the Board on behalf of Nimble Hill Realty Investments, LLC to discuss their proposal to subdivide and develop 14 lots with access from Nimble Hill Road and Coleman Drive from parcels under agreement for purchase from Randal Watson, et al, Lucy Young, and Skip Cole.

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Mr. Garrepy stated that all lots were compliant with frontage and setbacks, and that they had worked with Town Planner, John Krebs, and Town wetlands consultant, Mark West with West Environmental to identify the wetlands, determine the buffer setback requirements and minimize the wetlands impacts from the development proposal.

Mr. Garrepy stated that there was only a 25-foot right-of-way from Nimble Hill Road, so they had worked with Lucy and Guy Young to acquire a portion of 84 Nimble Hill Road and a strip from Guy's parcel for access to the development, as well as obtaining another parcel from Skip Cole for access on Coleman Drive.

Mr. Krebs noted that the large parcel behind the Young's shop should be merged with the front lot so it would be compliant, and not land locked.

Mr. Cooke noted that the Town's tax maps had not been updated to reflect the same property lines. Mr. Krebs agreed, but said the engineer's map was correct. Mr. Cross commented that not having updated maps on the website, and in the Town Hall created a problem for Planning Board members trying to do research,

Chair Hebert informed Board of Selectmen's representative, Bob Blonigan that the Planning Board approves drawings to go to Rockingham Registry of Deeds to record plots that are returned to the tax accessor who then passes them on to Meridian for updating, however the Town no longer has the same tax accessor, and the tax maps had not been updated. He added that there also was an inconsistency between the online and physical copies. Mr. Krebs said this issue had come up before, and he thought that the Town Administrator, Martha Roy, and the Board of Selectmen were trying to improve the issue over time.

Mr. Krebs noted that the Coles' lot was half the size of most lots on Coleman Drive. Mr. Garrepy responded that the Coles' rental house would be removed for the road.

Mr. Cooke asked why they hadn't gone to the pin and made a lot line adjustment on area 12-9 to make the right-of-way compliant. Mr. Garrepy said they weren't able to acquire the rest of the 25-foot easement area, so they would remove the existing garage at 84 Nimble Hill Road to accommodate the right-of-way, but they would consider it along with grading and drainage.

Mr. Stern asked if it was a driveway or a road leading to Lots 12 and 11. Mr. Garrepy replied that they were proposing a shared drive to minimize wetland impacts, which would require a waiver from the Planning Board, but they did have the ability to locate a drive on each lot.

Chair Hebert said he wasn't sure about the quality of the wetland, but the Board didn't grant waivers for shared drives because it often created animosity between those sharing the drive. Chair Hebert added that Chair Hebert they would be asking a good price for the lots in question, so he thought they could do something to minimize the crossings on lots.

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Mr. Cross said he knew it was only a preliminary consultation but asked if there were any road connections that wouldn't comply with the subdivision regulation dimensional requirements. Mr. Garrepy replied that they had, and all lots were over the required two acre minimum, except that they had not met the form factor on Lots 8 and 11 because of the shape of the shoreline makes it difficult.

Mr. Krebs noted that a narrow piece needed to be added to the 50-foot right-of-way to meet the requirement. Mr. Krebs said the parcel would be left as open space, but it could be used for drainage.

Mr. Cross commented that teardrop shaped cul-de-sacs were found to work better for plowing. Chair Hebert agreed and said that a tear drop shaped cul-de-sac was easier to maintain, and it prevented driving on the right side and preventing grass from growing. Mr. Cross said a "P" shape leading into cul-de-sac also helped slow traffic. Mr. Garrepy said he could work on the design with Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering.

Mr. Cross suggested that they focus on house placement in relation to shoreland protection. Mr. Garrepy said all the house placements would meet the 100-foot, 150-foot, and 250-foot setbacks. Mr. Garrepy added that they were establishing generous building envelopes, providing some shoreland access if some of the property owners wanted to permit docks.

Mr. Weiner asked what kinds of drainage they would be using, and Mr. Garrepy said there were flat areas for buildable envelopes, and gentle slopes with small wetland channels on Lot lines 3, 4, 6, 8 and 9 draining to Great Bay. Mr. Garrepy added that they had done test pits, and there was not observable ledge on the parcels except for the first roadway.

Chair Hebert said he was concerned with the line of site from the first roadway. Mr. Garrepy said the engineers did an analysis and would present it for Town engineering review at the next meeting. Mr. Krebs noted out that the site distance was on the plan.

Chair Hebert said they would need to follow best management practices and asked if they were using detention ponds for dispersal of storm water, noting that mosquito control would be an issue, and detention ponds didn't add value to properties. Mr. Garrepy said they were looking more at rain gardens and bioretention infiltration designs, but they didn't have a full set of drawings yet.

Mr. Cross noted that a driveway crossing would be required to access Lot 11, which had a sensitive cove area with a drainage stream. Mr. Garrepy said the shared drive was an old crossing with a culvert that they planned to utilize and make more functional there.

Mr. Cross asked if they might consider subdividing in such a way to add an open space area to the open New Hampshire Fish and Game conservation space at the back. Mr. Garrepy reviewed the Ordinance requirements, and hadn't considered open space, but they could look at some conservation deed restrictions.

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Mr. Krebs said Mr. Weinrieb had suggested clipping the backs of Lots 12 and 13 parallel with the Fish and Game lot and give more footage to Lot 11. Mr. Cross agreed that it would be good idea to add area to the Fish and Game property on the other side of the rock wall. Mr. Garrepy responded that deed restrictions would compromise that lot, and the old launch would be more appealing for access to water.

Mr. Cross said he would like to see individual drives on those lots. Chair Hebert asked Board members if they agreed, and all nodded heads.

Mr. Cross said he had concerns with the existing back apartments on Lot 1 at 84 Nimble Hill Road that would continue sharing a drive with the lot next door that they were not purchasing. Mr. Garrepy replied that it was a pre-existing shared access, for the Young's lots, and they were working with the Youngs as they would be separate lots of record, so they had only proposed a small change in the driveway configuration to maintain distance between the shared drive and the newly proposed roadway. Mr. Cross responded that the access to the lots were on Nimble Hill Road, and the creation of the new road would create a significant intersection difficulty, and suggested that they demolish the buildings.

Mr. Cross suggested that the Board might recommend a 25-foot easement for bicycles and pedestrians to compliment the dead-end access for "Downey Way".

Chair Hebert pointed out that the Town selected and approved street names. Mr. Garrepy asked if they might call it Shackford lane. Chair Hebert responded that Shackford sounded too close to Shattuck Way. Mr. Krebs added that they would work with the Board of Selectmen and fire chief to review the names.

C) Discussion of proposed off-site commercial parking lot for **Stoneface Brewery** located on **Shattuck Way, Tax Map 7, Lot 6.**

Stoneface co-owners Erol Moe and Peter Beauregard appeared before the Board to discuss offsite parking.

Mr. Beauregard said they were marking the success of their fourth anniversary, and they were concerned that their existing parking would not be sufficient for the influx of business that they anticipated once the public started going out more once the COVID restrictions were lifted. Mr. Beauregard said they would like to consider offsite parking across the street in an expanded area off from Rockingham Electric's parking area during the summer and fall months. Mr. Beauregard said they originally calculated that four people to a car would take up a table, but they had since discovered that many people arrived alone in cars, and would loop around and leave if they weren't able to find parking even though their seating was not at capacity.

John Chagnon, P.E. with Ambit Engineering presented the parking area proposal on Rockingham Electric's grassed area off the existing pavement by the exit ramp and the Spaulding Turnpike. Mr. Chagnon said they would like to use gravel because it would be less of a burden on the leased property, and easier to convert back to grass if

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it didn't work out, less of burden to leased property. Need to go to dot for crosswalks. Not uncommon crosswalks on Shattuck.

Mr. Chagnon said they were proposing two double rows of parking with a crosswalk to Stoneface Brewery on the other side of Shattuck Way. Mr. Chagnon said there was another sidewalk on Shattuck Way, and they would go to the New Hampshire Department of Transportation for approval.

Mr. Stern pointed out that Shattuck Way was a Town road and not a State road, so they would need approval from the Town. Mr. Stern also noted that their drawing didn't show any easements for the manhole cover.

Mr. Cooke suggested that it might be better to have the crosswalk at the corner of the parking lot. Mr. Krebs said he thought the crosswalk should be on the left of the proposed drive in the front of the area of the building that was seldom used.

Mr. Weiner suggested that it would be good to have a crossing light similar to the crosswalk near Westinghouse further down the street.

Mr. Weiner also suggested that they consider some landscaping to enhance the parking site.

Mr. Krebs asked if they expected this parking area to be a long-term solution, noting that offsite parking was not allowed. Erol Moe responded they were at brewing capacity in their current location, and they were reviewing some preliminary concepts regarding moving to another location in town; but that would take time, so they were concerned with the influx of patrons during the summer.

Chair Hebert said he saw problems with offsite parking in towns like Portsmouth, but he knew they would continue to grow. Chair Hebert said there was a property available in town that wouldn't be available forever, so they needed to decide soon.

Mr. Moe said there were clauses in Stoneface's lease that the building be returned as found, and should expect that they would need to do the same with Rockingham Electric. Mr. Krebs said they needed to establish a financial instrument for restoration. Mr. Moe added that they could include maintenance in the agreement.

Mr. Stern asked how many parking spaces Stoneface had now. Mr. Moe replied that there were 37 up front 52 altogether. Mr. Moe added that the problem wasn't during the week, but on Friday and Saturdays when single occupant cars arrived, filled all the spaces before they were at capacity.

Board member, Peter Welch asked how many seats. Mr. Moe said 96 dining, side function, and 108 with patio.

Mr. Krebs asked what their peak times were, and. Mr. Moe said they were busiest on Friday from 2 p.m. on.

Mr. Cross said he would be in favor of a two-year temporary approval because he didn't think a year would be enough. Mr. Cross went on to say that they needed to add a note that it would be parking for a single business only.

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Mr. Stern said he was also concerned with the establishment of another curb cut. Chair Hebert said the Board could give them a temporary curb cut as was done with the Eversource site on Shattuck Way, and require a bond. Mr. Moe said could do that.

Mr. Cross added that gravel would be fine so long as they used wood curbs to prevent gravel from spreading everywhere.

Chair Hebert asked Chief Hoyt if he had anything to add. Chief Hoyt said he just wanted to be sure the crosswalk and signage were properly set up because it was an odd intersection with corner tractor trailer trucks coming and going on the corner of Shattuck Way and the ramp to the Spaulding turnpike.

Mr. Blonigan commented that many people didn't stop at the ramp, so he liked the idea of moving the crosswalk. Mr. Moe said he liked the idea of a light too.

Chair Hebert said he was still concerned with setting a precedent for other businesses that would also want offsite parking. Mr. Moe suggested that they could specify with size.

Mr. Krebs asked if they would also want parking in the winter, and Mr. Moe replied that they might want to use the parking area in winter too.

Mr. Krebs commented that plowing the gravel with timber stops would be a problem. Mr. Moe replied that they could rebuild in the spring. Mr. Chagnon suggested that they could use posts instead of timbers.

Mr. Chagnon said he didn't think would want to landscape near the stormwater treatment area, however. Chair Hebert suggested they consider a berm. Mr. Krebs said they could also put in a couple of small shrubs with mulch to delineate the area. Mr. Weiner said the area was the entrance to town, and they could make the area more attractive with landscaping. Mr. Moe said they could submit a plan.

Mr. Stern asked how far away they were from the detention pond. Mr. Blonigan said the detention pond was on the other side of the bike path. Mr. Cross said they were at least 30 feet away.

Mr. Krebs said they would need to review the ADA requirements with the additional parking, and they would also need a paved walkway to meet the ADA requirement, and a paved apron on the drive so gravel wouldn't be dragged out.

Chair Hebert said they would also need to maintain potholes if they kept the parking space for two years. Mr. Moe said they would pave the lot if they stayed for two years. Chair Hebert said he was not sure he was in favor with keeping offsite parking for more than two years because he didn't want to set a precedent for leased offsite parking.

Mr. Weiner suggested that they might compact the gravel to prevent it from shifting. Mr. Chagnon said they were trying to create a temporary gravel parking lot. Mr. Krebs said they could use calcium to keep the dust down.

Mr. Weiner also suggested that they consider using a valet service for safety issues.

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Chair Hebert said there was significant traffic, and he was concerned with drinking patrons crossing Shattuck Way. Vice-Chair Mantz agreed.

Chair Hebert said realistically they could need three years when they took the time it would take to reach a purchase agreement, engineer plans and construct if they didn't have anything lined up. Mr. Moe responded that they didn't want to lose revenue for another year, so they would need at least a year to address the parking problem to avoid the loss of revenue for another year. After a brief discussion, everyone agreed that temporary parking for three years would be best if approved.

Mr. Krebs asked them to return with a site plan that would address the relocation of the sidewalk to the west side, a paved apron, crosswalks, lighting, add an ADD space as required on the Stoneface Brewery site, include a note that any loam removed would be used for a berm, and would not be removed from the site, remove the DOT reference, be sure there were no sewer easements, include financial assurity for the removal of crosswalks if not extended after three years, and add an amendment stating that approval was for Stoneface Brewery exclusively.

Chair Hebert noted that this was a preliminary consultation, not a public hearing so nothing was binding.

Jack O'Reilly commented that the right-of-way was wide enough for parking on the side of the road, but he left when he couldn't find any parking on a Friday night because he didn't think it was safe to run across the street.

(Jim Weiner left at 8:50 p.m. at this point in the meeting.)

D) Discussion on Dryer Stack Replacement by **Georgia Pacific Gypsum, LLC** to construct a dryer stack on their site located at **170 Shattuck Way, Tax Map 20/Lot 2.**

This item was added after the agenda was posted.

Jose Valdez, Director of Operations at Georgia Pacific appeared before the Board with Phil Corbet to discuss the decommissioning of two control stacks in front of the building, and replacing them with a single stack.

Mr. Valdez said they submitted their application to the Federal Aviation Administration earlier in the day, and expected it to be approved in 45 days, and they were hoping to break ground and inside work for shutdown in May.

Chair Hebert asked if this would modernize processing, and Mr. Valdez said it would. Mr. Valdez said they were hoping to increase their operations around the clock to seven days a week handle more trucking in their facility, and expand the warehouse.

Mr. Valdez said they were keeping their eye on the former Airforce property, for expansion as well.

Mr. Cross asked if there was a possibility of putting cell towers on this stack. Mr. Valdez replied that the towers emitted steam so he was not sure if it would work. Mr.

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Cross said steam was usually not an issue. Mr. Cross added that cell towers were very lucrative, and it would help keep cell towers in the Industrial Zone.

Mr. Cross asked about the fall zone regarding earthquakes and 150 mile per hour hurricane, and Mr. Corbet said they designed for it.

Mr. Cross asked if the site would be protected from heavy trucks by heavy duty bollards, and Mr. Corbet said they would be.

Mr. Welch asked how they would deal with the disruption of their trailer staging area, and Mr. Corbet said they could work around it.

Chair Hebert said the Planning Board was being asked to track what kind of work they were doing, and how it would affect the Town's tax base. Chair Hebert asked how much of an investment they were making, and Mr. Valdez said they were investing in over 10 million.

Chair Hebert asked when they would return. Mr. Valdez replied that they would like to return for the next meeting. Mr. Krebs asked that they submit a complete site plan as soon as possible, and then they would coordinate the meeting.

II) Announcements:

Chair Hebert informed the Board that the Economic Development Committee wanted to talk with the Planning Board in April.

Minutes: The Board decided that they would review the Minutes at the next meeting.

Adjournment: *Erika Mantz moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 9:10 p.m.*

Next Meeting: Monday, April 12, 2021

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary