

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, June 26, 2023

- Call to Order:** Chair Denis Hebert called the June 26, 2023, meeting at 6:00 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Russ Cooke; Ben Johnson; Jim Weiner and Peter Welch; Alternate Board members, Rick Stern; Board of Selectmen's Representative, Bob Blonigen; Town Planner, John Krebs and Jane Kendall, Recorder
- Public Guests:** Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering; Bradlee Mezquita with Tighe and Bond; Alex Coleman with Choice Hotels; Craig Daigle; Edna Mosher and Paul; Jill Semprini

I) Public Hearings:

A) Home Occupation Permit request by Craig and Susan Daigle to repair small all engines (lawn mowers, snowblowers, etc.) at their residence at 62 Nimble Hill Road, Tax Map 12, Lot 3

This item was delayed so that the following item could be heard first.

B) Site Plan Review for Doloma Investment of Portsmouth, Inc. to construct a 106-room hotel on a vacant parcel as previously approved for the same use on Woodbury Avenue, Tax Map 20, Lot 4

This item was taken out of order.

Board member, Ben Johnson recused himself from the Board.

Chair Hebert announced that Alternate Board member, Rick Stern would vote in Mr. Johnson's place.

Bradlee Mezquita with Tighe and Bond informed the Board that they had only made a minor footprint change since the hotel brand had changed to Choice Hotels,

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and the access had moved from the rear of the building on Shattuck Way to the front on Woodbury Avenue , and all utilities had been reversed to come in from the front.

Mr. Mezquita noted that the reversal of the access from the back would reduce the wetland and buffer impacts by one-third.

Mr. Mezquita stated that the drainage plans remained the same, and the Wetland Permits were still applicable, but they would need to submit a new application for the Sewer Discharge Permit that had expired.

Mr. M. stated that the Alteration of Terrain (AoT) had changed slightly so they would submit an Amended AoT Permit application.

Mr. Mezquita stated that they had submitted their responses to comments from Town engineering consultant, Eric Weinrieb, P.E., with Altus Engineering last week.

Town Planner, John Krebs passed out the minor changes shown on the amended plan, along with the applicant's June 12, 2023, responses to Altus Engineering's June 5, 2023, review.

Mr. Krebs recalled that the Planning Board had suggested that Woodbury Avenue access was preferable for the viability of the business with a capacity for 100-200 cars per day, and he concurred.

Mr. Krebs informed the applicant that he would put them on the Thursday, July 13, 2023, Conservation Commission agenda to review their landscaping plan, and make recommendations.

Mr. Mezquita said they had put in cost estimates for landscape improvements, and for onsite and offsite improvements.

Mr. Mezquita said they also submitted responses to Mr. Weinrieb's comments that included a traffic summary with a percentage of average daily trips, information from the Newington Fire Department, and an email of acceptance from the Newington Sewer. Mr. Mezquita said they were still waiting for a response from the City of Portsmouth Water Department.

Mr. Krebs said the Board of Selectmen had to approve the curb cut on Woodbury Avenue because of a moratorium, but they had expressed support so long as there was financial support. Mr. Blonigen suggested that the applicant write a letter to Town Administrator, Martha Roy, to be put on the Board of Selectmen's meeting schedule for consideration of the Woodbury Avenue curb cut.

Mr. Weinrieb said had not had enough time to provide follow-up with Tighe and Bond's responses to Altus comments.

Mr. Weinrieb noted that they were replacing an existing culvert when the access was from Shattuck Way, and there might be a different attenuation now that they were restoring runoff to natural conditions. Mr. Mezquita said they were proposing to replace the old culvert on Woodbury Avenue, and remove an old foundation on the site.

Mr. Weinrieb noted that the Department of Transportation (DOT) put a big reader board on Woodbury Avenue that might obstruct the view of the site. Mr. Mezquita responded that the reader board was hardwired, and so they had reached out to DOT to

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remove it from the front of their site. Chair Hebert suggested that the Board of Selectmen's representative, Bob Blonigen said they would put in a call to DOT to remove the board now that the State no longer had jurisdiction over Woodbury Avenue.

Mr. Stern asked where the nearby beaver dam was located. Mr. Weinrieb responded that he believed it was off the site to the northeast.

Mr. Stern asked if the removal of the beaver dam would cause flow back onto the site, and Mr. Weinrieb replied that there was a substantial grade change.

Vice-Chair Cross asked the applicant if they had provided a parking area for recreational vehicles and trailers. Mr. Mezquita responded that he wasn't concerned with RV users renting hotel rooms, but there might be said a tractor trailer might need a parking space. Mr. Mezquita went on to say that they had not provided extra parking space, however, as there were no requirements to do so in the current regulations, adding that there was enough vacant parking in the surrounding retail neighborhood.

Chair Hebert pointed out that off-site parking was not allowed.

Board member, Jim Weiner asked Mr. Krebs what employee parking was needed for 106 rooms. Mr. Krebs replied that the plan satisfied minimum regulations, but agreed that he would like to see 6-8 more spaces.

Chair Hebert said he thought there were less rooms in the previously approved plan. Mr. Mezquita said there were 96 rooms with 103 parking spaces in the previously approved plan.

Mr. Weinrieb said that he was concerned that they would encroach further into the wetlands to get more space.

Mr. Weiner commented that he had often observed RVs in hotel parking lots, and he thought they should plan for the worse case. Mr. Weiner also noted that changing the access had reduced impact to the wetlands by 33% from the previously approved plan so they could afford to add 3-4 car lengths for RV parking.

Mr. Krebs asked if there was an opportunity on the northwest corner for parallel parking, especially for employees, and a tractor trailer.

Board member, Russ Cooke asked how the Board could ask the applicant to add spaces if they met the minimum requirement. Chair Hebert explained that the board set the minimum to reduce impervious asphalt surfaces, but approval of parking was still under the purview of the Board.

Mr. Blonigen pointed out that that the regulations said there needed to be "adequate parking spaces for business."

Chair Hebert agreed, and recalled that the applicant said there would be three employees on site when all the lodgers were present, so he thought it was important to provide adequate spaces. Chair Hebert added that the Board made allowance for Woodbury Avenue access, so he wanted to be sure the applicant was flexible.

Alex Coleman with Choice Hotels said the front desk clerk would be the only employee at night, and there would be two housekeepers during the day, so he was comfortable with 1-1 room to parking.

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Mr. Krebs asked how they expected 104 lodgers to arrive, and Mr. Coleman replied that he expected they would arrive by car, uber, or shuttle, but understood that they might need additional parking if the airport or events increased the need for parking.

Mr. Krebs pointed out that they could pick up 4-6 spaces on either side of the building, and they could carve out a couple of spaces on either side of the landscaped islands could carve out a couple of spaces on either side. Mr. Mezquita said that seemed a better solution than carving into the wetlands. Mr. Weinrieb said they could also slide the parking field down a couple of feet.

Chair Hebert noted that the dining area for continental breakfasts in the original proposal had been removed, and thought that would give cause for lodgers to make more trips out to get something to eat. Mr. Coleman responded that they were purchasing the property from the current owners, for a different brand with extended business stays of two weeks to 30 days with full-service kitchens.

Chair Hebert stated that the Board wouldn't want anyone establishing residency, and the fire department needed to know about the cooking elements. Mr. Krebs noted that the fire department's only purview was the site plan. Mr. Mezquita agreed that the fire department only dealt with the building and site plan, not the interior. Mr. Krebs said the Board wouldn't require architectural drawings for site plan approval, but they would need to agree that it was code compliant.

Mr. Stern pointed out that the site would have a sprinkler system per code.

Mr. Cooke agreed that they should meet the fire safety requirements so long as they met the building code.

Chair Hebert said the Planning Board would need to know that the fire department was on board regarding access, and egress for fire safety.

Chair Hebert recalled that the Town had been sued when the cinema was built without sufficient bathrooms. Vice-Chair Cross noted that it was not the building inspector, not the Planning Board that had been sued as he was responsible for reviewing the building code.

Mr. Krebs asked if the applicant would be agreeable to a bit of light spilling onto the edge of pavement on Woodbury Avenue at the entrance.

Chair Hebert said he disagreed with Mr. Krebs regarding extending the light to the edge of the curb because the Ordinance encouraged sites to maintain dark sky compliance.

Mr. Krebs said he knew the applicant hoped to get conditional approval, but there were 57 comments from review right now, and he would like to bring them down to 15 after addressing most of the outstanding issues from review, and have the Board see the parking and lighting layout so there would be fewer condition. Mr. Krebs added that one of the conditions would be that they had to meet the final approval of Altus Engineering.

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Mr. Mezquita asked if Thursday, July 13, 2023, Conservation Commission meeting would be affected. Mr. Krebs replied that the Conservation Commission was advisory to the Planning Board and only made recommendations.

Mr. Krebs asked if they could supply the revised plans, especially for the parking by July 3, 2023, to be sure everyone had time to review them before the next meeting. Mr. Mezquita suggested that he and Mr. Weinrieb go back and forth before scheduling another public hearing.

Mr. Weinrieb expressed concern for the risk of pushing through quickly could create issues with multiple sets of plans going back and forth.

Vice-Chair Cross asked about Mr. Weinrieb's comment regarding parking space sizes. Mr. Krebs responded that the Board had approved 18-foot stalls three times. Mr. Weinrieb said the head in stalls adjacent to the building with a seven-foot sidewalk allowed plenty of space, so he would support a waiver.

Chair Hebert requested changes highlighted or in bold to move review along faster.

Chair Hebert asked that Mr. Krebs use the condition of approval from previous approval. Mr. Krebs passed them out.

Mr. Krebs noted that the statute recommended granting waivers before approval, and therefore, suggested that the Board accept the application as substantially complete or extend the public hearing to a date certain to of Monday, August 19, 2023

Mr. Weinrieb informed everyone that he would be out of town for three weeks in July. Mr. Krebs suggested that the Board could meet on Monday, July 10, 2023, or Monday, August 19, 2023.

Peter Welch moved to accept the site plan from Doloma Investment of Portsmouth, Inc. to construct a 106-room hotel on a vacant parcel as previously approved for the same use on Woodbury Avenue, Tax Map 20, Lot 4 as substantially complete. Chris Cross seconded the motion, and all were in favor.

Chair Hebert continued the meeting to Monday, July 10, 2023.

A) Home Occupation Permit request by Craig and Susan Daigle to repair small all engines (lawn mowers, snowblowers, etc.) at their residence at 62 Nimble Hill Road, Tax Map 12, Lot 3

This item was delayed so that the previous item could be heard first.

Board member, Ben Johnson returned to his seat. Chair Hebert announced that Alternate Rick Stern would not be voting.

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The applicant, Craig Daigle said he would only be doing small motor repairs for home use, not commercial use.

Chair Hebert said the differences between home occupation and small business had been reviewed.

Mr. Daigle said he would have a desk in his garage for his records.

Mr. Daigle said he met all requirements, and asked about keeping a mower outside regardless of ownership, noting that he kept and worked on his own mower outside. Chair Hebert responded that he had no issue with keeping his mower outside, but the issue was with keeping equipment outside within neighbors' view.

Mr. Weiner noted that several residents kept their business equipment and vehicles outside in their residential yards, and asked what the difference would be. Chair Hebert agreed that it did occur, and that it was an enforcement issue. Mr. Weiner responded that the Town needed to decide if they were going to enforce the Ordinances or be reasonable as he didn't see how the Board could make it an issue for the applicant if they didn't enforce the requirement anywhere else in town. Chair Hebert said he understood the point, but the Board had been consistent in stating the conditions of the Ordinance for review.

Chair Hebert said the applicant had mentioned pickup and delivery in his application. Mr. Daigle said he had a trailer for pickup and delivery.

Edna Mosher of Nimble Hill Road said she wasn't an abutter, but was present to support Mr. Daigle's application.

Mr. Krebs said he had put together a draft notice of decision for this application that was withdrawn last fall, so were never reviewed. Discussion ensued regarding the conditions.

Chair Hebert commented that could store his equipment in the backyard behind a fence, but one of the conditions of approval adhering to the Ordinance would state that that equipment could not be in the public or shoreline view, or a variance from the Zoning Board of Adjustment would be required.

Mr. Cooke commented that the Ordinance suggested that operation of the home occupation could not operate overtime. Mr. Krebs responded that someone could work until 2 a.m. if they didn't disturb their neighbors, but a small motor repair shop would create noise if the garage doors were open. Mr. Daigle stated that his workload would be part-time. Chair Hebert suggested adding daytime hours of operation.

Mr. Johnson suggested that they strike Condition #2, and #3. Board member, Peter Welch agreed with recommendations to strike the items that were already stated in the Ordinance and definitions. Vice-Chair also agreed that there was no need to re-write the regulations except for the fact that the Planning Board would be blamed if they were not enforced to anyone's satisfaction.

Mr. Krebs informed the applicant to obtain a sign permit off the Town website for submission to the building inspector.

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Chair Hebert stated that the fire chief would ask about chemicals and fire hazards.

Peter Welch moved to approve the Home Occupation Permit request by Craig and Susan Daigle to repair small all engines (lawn mowers, snowblowers, etc.) at their residence at 62 Nimble Hill Road, Tax Map 12, Lot 3 with conditions to adhere to the Zoning Ordinance. Ben Johnson seconded the motion, and all were in favor.

II) Other Business and Discussions:

Mr. Krebs informed the Board that Nimble Hill Development, LLC would be posting a bond, and pulling building permits as they had sold four out of the 14 lots on the Shackford Pointe development, and the development would be building a single-family spec house in the front lot soon.

Mr. Krebs informed the Board that the Fox Run Mall had hired a consulting firm to review future development of mixed office and retail.

Mr. Krebs said that the Sears building was considering a temporary conference or event center at their former location for a couple of years until they find a long-term development project.

Mr. Krebs said that Wilcox Industries would return for another expansion on the property they had purchased on the corner of Woodbury Avenue and Piscataqua Avenue.

Mr. Krebs said that Stoneface Brewing had recently signed with a builder, and would go before the Zoning Board of Adjustment for an extension.

Minutes: *Peter Welch moved to approve the Minutes for the May 8, 2023, meeting with corrections as noted. Ben Johnson seconded, and all were in favor. Bob Blonigen abstained.*

Adjournment: *Mr. Welch moved to adjourn the meeting. Mr. Johnson seconded the motion and the meeting adjourned at 8 p.m.*

Next Meeting: July 10, 2023

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary