

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

- Call to Order:** Chair Denis Hebert called the August 10, 2020 outdoor meeting at 5:30 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; Town Planner, John Krebs and Jane Kendall, Recorder
- Absent:** Alternate Board member, Rick Stern; and Board of Selectmen's Representative, Ken Latchaw (left at 5:42 p.m.)
- Public Guests:** Board of Selectmen, Ted Connors, Ken Latchaw, and Mike Marconi; Jack McTigue, P.E. with TFMoran; Lead architect, McCabe Sloan; Steve Leonard with Owner's Rep Construction; Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering

Board of Selectmen Chair, Ted Connors informed the Planning Board that they had obtained three legal documents on workforce housing that included Newington's Zoning Ordinance, Article XVIII- Workforce Housing Overlay District, NH RSA 674:58-61, and a letter from Mitchell Municipal Group, P.A.

Board of Selectmen, Ken Latchaw stated that the Board of Selectmen were asking the Planning Board to read Attorney Laura Spector-Morgan's letter for consideration, form their own opinion, and continue their discussions to be recorded in their Minutes.

Chair Hebert stated that the Board presented the Workforce Housing Overlay District to the town in March 2020 to protect the town. Mr. Connors responded that the Board of Selectmen had provided the letter for further consideration in compliance with the RSA's.

Chair Hebert asked if the letter was going out to developers and contractors, and Mr. Connors said they were only giving the letter to the Planning Board, and not to developers and contractors.

Vice-Chair Mantz noted that only one legal opinion from Mitchell Municipal Group, P.A. had been provided, and asked if the Board would have time to discuss the matter further before public dissemination. Town Planner, John Krebs responded that

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

he would check to see if Town counsel, Attorney John Ratigan's opinion had been considered as well.

Mr. Connors, Mr. Latchaw, and Mr. Marconi all left at this point in the meeting at 5:42 p.m.

I) Public Hearings:

A) Continuation of **Site Plan Review** for a 10,000 s.f. medical office facility by **Newington Falls, LLC** regarding property located at **River Road and Shattuck Way, Tax Map 13, Lot 6-A.**

Jack McTigue, P.E. with TFMoran; lead architect, McCabe Sloan, and Steve Leonard with Owner's Rep Construction appeared before the Board with responses Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering's review.

Mr. McTigue noted that they had presented their landscape plan to the Conservation Commission, and had received a recommendation.

Mr. McTigue said they had also submitted a lot line adjustment plan at the Board's request so that the drainage treatment and bioretention pond would be on the same lot. Mr. Krebs noted that there would be no need for an easement or an outlet pipe once all structures, and stormwater systems were on the same lot.

Mr. McTigue stated that the lot line adjustment would add 30,000 square feet to Lot 6A, and there would still be enough to subdivide Lot 5A.

Mr. McTigue said that the impervious area was 31%, but would now be reduced to 26%.

Mr. McTigue stated that he talked with Mike Busby with Eversource who explained that it would be an unreasonable cost to lay down 4,000 feet of wiring through the manhole system. Chair Hebert responded that he had not received a call back from Mr. Busby, but that he thought the cost was their problem.

Mr. McTigue said that he had provided letters of approval to Mr. Krebs for municipal water and sewer use.

Mr. McTigue stated that he had received police and fire approvals, and that the fire chief still wanted the additional hydrant.

Discussion ensued regarding parking. Mr. McTigue stated that there would be parking for 22 employees, 13 patients, 15 spaces for the leased area, and a remainder of 35 spaces.

McCabe Sloan, the lead architect said a lot of patients would have a household member dropping them off and would be given a beeper for return and pickup, so there would not be a lot of waiting in the parking lot.

Mr. McTigue stated that they would go for a variance for the front signage that would be in the right-of-way because setting it back 75 feet would put it in the trees in the landscape area.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

Mr. Cross said the trees wouldn't expand for 15 years, and suggested sliding the trees to the side to make room for the sign rather than put it in the right-of-way. Mr. McTigue said the sign was six feet off the right-of-way, and 18 feet from the edge of pavement.

Mr. Krebs noted that his August 6, 2020 memorandum required that all signs comply with zoning, and that they were to provide a plan showing that the free-standing sign would be removed. Mr. Krebs added that the Board couldn't approve the application with a sign in a non-conforming location, so they would have to go before the Zoning Board of Adjustment (the ZBA) before they could get approval. Chair Hebert agreed that the Board couldn't act if something was pending with the ZBA, and it would delay the decision for another month. Mr. Weinrieb noted that they were asking because it was on the plan.

Mr. Leonard commented that they were asked to pull the sign back to 25 feet at the last meeting, but they were also showing the alternate placement if there was a problem.

Chair Hebert said he thought that asking the Board to approve a plan knowing that the applicant would put be asking for a variance put undue pressure on the ZBA for approval. Alternate Board member, Jim Weiner and Board member, Russ Cooke both agreed that it seemed as if preapproval might put pressure on the ZBA, and that they should have asked for the variance first.

Mr. Leonard agreed, and said they were only asking for wall mounted signs, and put an "X" on the plan where the free-standing sign had been proposed.

Chair Hebert said he was still not satisfied. Chair Hebert said he didn't see any hardship for the freestanding sign when there were alternate places for the sign, and he felt it put pressure on the ZBA when the Planning Board approved an application, knowing they were going to do something else.

Mr. Cross noted that the applicant had requested a 30-foot variance for the parking structure, and wondered if they could put sign within that parking structure. Mr. Cross added that he would write a citizens' petition to keep the sign off Shattuck Way.

Mr. Krebs commented that applicants had the right to request a variance after approval, and he and don't think it would influence the ZBA because they had provided alternate locations. Mr. McTigue agreed that they would remove the sign from the plan so there would be no pressure on the Board.

Mr. McTigue went on to discuss trash bin concealment. Mr. McTigue noted that the Planning Board expressed a preference for a concrete masonry unit (CMU), but it would cost \$15,000 to build a foundation and the unit, and most places in town had a chain link fence or wood slats, except for one place with a brick façade. Mr. McTigue commented that the units that looked the best were chain link fences with slats and evergreen shields. Mr. McTigue added that most units, including CMU's had chain link gates with slats.

Town of Newington, NH PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

Mr. Weiner commented that slatted chain link fences looked beautiful to start, but the vinyl broke down over time, and he thought the Board preferred CMU's moving forward. Mr. Weiner wondered if they might put the CMU on gravel to cut costs, but Mr. Sloan replied that CMU's required foundations to prevent them from sinking.

Mr. Sloan added that the wood slat gates on CMU's also seemed to break down, whereas the doors on chain link fences seemed to hold up better, and the front was what would be visible.

Mr. McTigue presented a waiver request for the parking lot lighting that was lower than requirement than the requirement. Chair Hebert said he had no problem with granting a waiver because it would lower light off the property.

Ben Johnson moved to grant the parking lot lighting waiver request for Newington Falls, LLC's plan for a medical office facility located at River Road and Shattuck Way, Tax Map 13, Lot 6-A. Erika Mantz seconded the motion.

Mr. Cross asked if areas in the parking lot would be subject to liability of accidents or theft if the illumination was below the requirement. Mr. McTigue replied that the waiver was only for the edge of the parking lot, and not the building. Mr. McTigue added that Newington's requirement for the entire site was for .9, Dover's requirement was for .4, and they were proposing .3. Mr. McTigue added that the entrance had overhead lights, and the bollards along the sidewalk were lit. Mr. Cross responded that he was in favor of the waiver.

The motion passed unanimously.

Review of Mr. Krebs and Mr. Weinrieb's technical memorandums continued with a discussion on the view of the mechanicals and solar panels from the ground. Mr. Krebs responded that the plan looked different than the description, and it appeared that a lot of mechanics and solar panels would be visible from the street view. Mr. Sloan responded that the view was from 19 feet above, and the mechanicals would never be seen when on ground level at Shattuck Way. Mr. Sloan added that the mechanicals matched the siding, would sit back over the surgery side, and were screened by the vestibule over the entrance, and the only thing visible might be top of the solar corners.

Mr. Sloan said that there were lots of electric and plumbing costs, and they were still in the process of pricing, so the metal in the back, and the brick in front might be changed out to a less expensive application. Mr. Krebs stated that any substantial changes would require a return to the Board for approval.

Board member, Peter Welch asked if waiting parties would continue to drive away in after concerns with COVID were over. Mr. Sloan said they intended to continue as they do at their other facility.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

Mr. Weiner commented that people who were concerned would sit outside in the parking lot, so they needed to be sure the capacity and parking spaces matched even after concerns for COVID passed. Mr. Krebs stated that they had adequate parking, so it was not an issue.

Mr. Krebs suggested that the Board review the lot line adjustment request before continuing with the site review.

B) Lot Line Adjustment request by Storage Barn of Newington, LLC regarding common boundaries between **Tax Map 24, Lots 5-A and 6A** resulting in an addition of 26,811 s.f. to Lot 6-A.

Mr. McTigue showed the current lot line with the existing bioretention area, and the new lot line that would place the bioretention area, berm, swale, pipe and outlet structure on the proposed lot.

Mr. Cross asked about access around the detention pond for maintenance and grass cutting. Mr. Weinrieb commented that the landscaper would probably drive on park on the side of River Road.

Chris Cross moved to accept the lot line adjustment request by Storage Barn of Newington, LLC regarding common boundaries between Tax Map 24, Lots 5-A and 6A resulting in an addition of 26,811 s.f. to Lot 6-A as substantially complete with correction of the exchange of square footage numbers. Russ Cooke seconded the motion, and all were in favor.

Peter Welch moved to accept the lot line adjustment request by Storage Barn of Newington, LLC regarding common boundaries between Tax Map 24, Lots 5-A and 6A resulting in an addition of 26,811 s.f. to Lot 6-A with the condition in John Krebs memo that:

- A) The applicant shall correct the Title Block of the Lot Line Adjustment plan to include BOTH property owners' names;*
- B) The NH LLS shall stamp both the plans submitted with the application, and the final plans;*
- C) The Plan shall be revised to include all the drainage structures within the (new) portion of Lot 6A;*
- D) The NHCWS (Jim Gove) shall stamp the Plan;*
- E) The applicant shall correct the setbacks from the new property line on Lot 5A. The setbacks were shown curved where they should be angular;*
- F) The applicant shall provide the Town with a Certificate of Monumentation stamped by a NH LLS certifying that all of the monuments depicted on the Plan were installed;*

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

G) *The adjusted square footage of Lot 5A and 6A would be corrected for consistency.*

Ben Johnson seconded the motion, and all were in favor.

Chair Hebert noted that the Letter of Decision would also include a statement that the Plan comply with the Zoning Ordinance and Site Regulations.

A) Continuation of **Site Plan Review** for a 10,000 s.f. medical office facility by **Newington Falls, LLC** regarding property located at **River Road and Shattuck Way, Tax Map 13, Lot 6-A.**

Mr. Weinrieb reviewed unresolved issues listed in his July 30, 2020 letter.

Mr. Weinrieb said he was not sure the entrance culvert was needed, and he was concerned there wasn't enough coverage for the culvert.

Mr. McTigue said they placed one culvert where no water was designed to flow so they would like to remove it. Mr. Cross said he thought the purpose was to divert heavy rains and snow melt from Shattuck Way, not from their site. Mr. McTigue responded that it all flowed downhill in the opposite direction from the culvert. Mr. Weinrieb said any water would flow to the wetlands, and he was comfortable with removal of southern culvert.

Mr. Cooke noted that the flow going north would remain the same. Mr. McTigue said some of it would flow to the bioretention pond.

Mr. Krebs referenced the terms on his August 3, 2020 memo, commenting that he thought two ADA spaces for a medical office was inadequate, and that he would like to see two additional ADA parking spaces on the employees' parking side. Mr. McTigue asked if a five-foot strip would be acceptable, and Chair Hebert said it would.

Chair Hebert said Mr. Krebs and Mr. Weinrieb had mentioned conditions, and asked if they were acceptable. Mr. McTigue replied that they never went through the conditions of the August 6, 2020 draft motion to approve item 8 that asked for 100% of the landscaping costs. Chair Hebert and Mr. Krebs said it was standard.

Mr. McTigue stated that he was also concerned that the granite boundaries might be destroyed during construction. Mr. Krebs said they needed to be set before the boundaries were recorded, and there were not that many, so it was reasonable. All agreed.

Mr. McTigue stated that they would apply for an Alteration of Terrain (AoT) amendment after they received approval. Mr. Weinrieb asked when the project would start, and Mr. McTigue replied that they intended to start in the fall. Mr. Weinrieb pointed out that there was a significant backlog of AoT permits. Mr. McTigue said he talked with them, and was told that amendments typically went faster.

Chair Hebert closed the public hearing, and opened Board deliberations.

Town of Newington, NH PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

Chair Hebert said he still felt uncomfortable knowing they might ask for a variance for a free-standing sign, but that was their right. Vice-Chair Mantz agreed that placing the sign on the building would be in conformance to the ordinance, but understood that they could still request a variance.

Mr. Cross said the approved plan should eliminate the front sign.

Mr. Cook, Mr. Welch, and Mr. Johnson all agreed that the Planning Board's approvals were in accordance with the Ordinance and the free-standing sign shouldn't be on plan.

Discussion ensued regarding the trash enclosure. Mr. Cooke said he was fine with the slatted chain link fence, but commented that he was very pleased with a composite plastic deck he built, and wondered if there was a stronger product.

Mr. Krebs commented that the problem with the slatted chain link fence was that it was sensitive if hit in winter, but he thought the landscaping would protect it.

Mr. Johnson commented that he thought they would be more likely to fix a fence than a CMU wall.

Chair Hebert asked the applicant if they would consider horizontal siding. Mr. Sloan said they would, and that they would also place landscaping around the enclosure.

Mr. Weinrieb commented that the gate was what everyone would see, and he wondered if they might turn the dumpster 90 degrees so that the gate was not visible, and make it easier for the tenants to use. Mr. McTigue responded that the dumpster was on a pullout tote, and a truck couldn't get in.

Chair Hebert asked the applicant to submit an alternate plan to him and Mr. Krebs.

(Mr. Weiner left at this point in the meeting at 6:59 p.m.)

Peter Welch moved to approve the site plan for a 10,000 s.f. medical office facility by Newington Falls, LLC regarding property located at River Road and Shattuck Way, Tax Map 13, Lot 6-A with the following conditions:

- 1. Resolve all technical issues identified by Town engineering consultant, Altus Engineering, Inc.;*
- 2. Resolve all issues identified by the Town Planner contained in a memo dated August 3, 2020;*
- 3. Obtain all State permits and note the approval numbers on the plans;*
- 4. Record stormwater management maintenance plan;*
- 5. Provide funds for third party engineering inspection services;*
- 6. Provide a PDF of the final approved plan, which reflect any and all changes required as part of the approval process, including revisions required by Altus Engineering, Inc.;*
- 7. Provide two (2) Mylar copies of the site plan, and three (3) complete sets of the final site plan(s);*

Town of Newington, NH PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

8. *One hundred percent (100%) of the total cost of landscaping costs, to be determined based on final approval plan shall be held for a period of two (2) growing seasons to guarantee the survival of the landscaping installation;*
9. *Ten percent (10%) of the site improvement cost estimate shall be provided as a site improvement and restoration security, a performance guarantee to be held until all site improvements are completed in a satisfactory manner. The applicant shall complete all site improvement work prior to the issuance of a certificate of occupancy;*
10. *All final approvals by the Planning Board shall expire within two (2) years from the date the site plan was approved, unless the Board grants an extension. See **Section 23 – Site Approval Expiration**, Site Plan Review Regulations;*
11. *All survey bounds depicted on both the approved site plan and lot line adjustment plan shall be set **prior** to start of construction, and shall be confirmed to be in place prior to the issuance of a certificate of occupancy;*
12. *The lot line adjustment plan **shall be recorded** prior to commencement of any work;*
13. *No work shall be started before final plans are approved, the Mylar is signed, State permits and local permits have been received, and required surety is in place;*
14. *This approval requires the strict adherence to **all** applicable regulations adopted by the Town of Newington in effect at the time of approval, excepting any waivers granted by the Board;*
15. *The landscaping plan and the operation and maintenance manual submitted herewith is integral to the approval;*
16. *Submit an "As Built" plan in CAD and PDF format prior to the release of securities*
17. *The dumpster screen structure shall be reviewed and approved by staff and the chair;*
18. *All signage shown on the approved plan shall comply to the Zoning Ordinance.*

Erika Mantz seconded the motion, and all were in favor.

(Mr. Weinrieb left at this point in the meeting at 7:03 p.m.)

II) Additional Discussions:

Vice-Chair Mantz commented that she hadn't recalled any applications, or discussions about large condominiums being built in town, and wondered why comments had been made on the Newington Transfer Station page. Chair Hebert said he didn't know of any projects in the works.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, August 10, 2020

Chair Hebert said the Board hadn't had a lot of opportunities to hold workshops, especially since restrictions for COVID had occurred, but they would review the workforce housing issue more.

Mr. Cooke commented that everyone didn't always have the same points of view, but he thought that the Board had followed the RSA's when they presented the Workforce Housing Overlay. Mr. Cooke said he would support reviewing any new information, but he wasn't entirely clear what the Board of Selectmen wanted.

Vice-Chair Mantz and Mr. Cooke agreed that they would like more transparency in working with the Board of Selectmen so that they could make informed decisions.

Chair Hebert said the Board had spent very little of their budget.

Chair Hebert informed the Board that Rockingham Planning Commission had sent a letter that he was still a commissioner, and that the appointment of Ken Latchaw was not valid.

Mr. Cross pointed out that the Town website was requesting comments on a safety lane path, but the item was presented at the last minute before Town Meeting, and never went before the Budget Committee.

Minutes: *Erika Mantz moved to approve the Minutes for the July 13, 2019 meeting with corrections as noted. Russ Cooke seconded, and all were in favor.*

Chris Cross moved to approve the Minutes for the July 27, 2019 meeting with corrections as noted. Erika Mantz seconded, and all were in favor.

Adjournment: *Russ Cooke moved to adjourn the meeting. Erika Mantz seconded the motion and the meeting adjourned at 7:52 p.m.*

Next Meeting: Monday, September 14, 2020

Respectfully

Submitted by: Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the August 31, 2020 Planning Board meeting.

