

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, August 26, 2019

- Call to Order:** Chair Denis Hebert called the August 26, 2019 meeting at 6:03 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; Town Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Alternate Board member, Rick Stern
- Public Guests:** Alicia Busconi, V.P. for KeyPoint Partners, property managers of the Crossings Mall; Steve Glowaki, P.E. with RJ O'Connell Associates; Rachel Cormerier, Senior Property Manager for KeyPoint Partners; Matt McGovern with McGovern Auto Group; Greg Mikalatis with August Consulting; Ben Clarke with ACM Engineering; Joe Calderola, Dennett Farms Developer; Residents of Dennett Farms: Bruce Johnson; Joanne Johnson; Tim Nichols; Bob Whitcomb; Bev Woodcock; Bill Wright; Eric Weinrieb, P.E. with Altus Engineering

### I) Public Hearings:

- A) Site Review by the Crossings Mall to replace the existing vacant Bugaboo Creek Steakhouse with an **Aldi Supermarket** at **45 Gosling Road Road, Tax Map 34, Lot 3**

Steve Glowaki, P.E. with RJ O'Connell Associates informed the Board that he had presented revised plans and that Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering had provided a letter of response. Mr. Glowaki stated that there were mostly administrative corrections to be corrected, and not many engineering issues raised, but they did discuss construction phasing.

Mr. Weinrieb said he and Sandy with Malt House Construction met to discuss the complex phasing plan to ensure safe access to iHop, as well as for emergency vehicles. Chair Hebert suggested that there be another preconstruction meeting. Mr. Weinrieb suggested that the Newington Fire Department attend the meeting as well.

*(Vice-Chair Mantz arrived at this point in the meeting at 6:08 p.m.)*

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Chair Hebert asked Mr. Weinrieb if there was anything outstanding, and Mr. Weinrieb reviewed several items that were still open, beginning with item #7 regarding lot coverage in excess of 19%. Mr. Weinrieb pointed out that it was not likely that the applicant would reduce coverage on an existing site, and so they had asked for a waiver.

Board member, Chris Cross replied that he didn't think it was grandfathered, but he thought the applicant had made improvements to the site. Alternate Board member, Jim Weiner agreed that the addition of greenery was an improvement.

Board member, Russ Cooke added that the applicant was not making the site any worse, and suggested granting the waiver.

Chair Hebert responded that he thought the coverage would be grandfathered from the previous development, and asked Board members if they thought a waiver was necessary. Board of Selectmen's representative, Mike Marconi noted that pavement was considered a structure, but it was already there so he thought it would be grandfathered.

Mr. Cross responded that he thought it was reasonable for the Town to expect upgrades when an applicant presented site changes.

*Chris Cross moved to grant the waiver request for more than 30% impervious lot coverage by the Crossings Mall's replacement of the existing vacant Bugaboo Creek Steakhouse with an Aldi Supermarket at 45 Gosling Road, Tax Map 34, Lot 3. Russ Cooke seconded the motion, and all were in favor.*

Mr. Weinrieb stated that he had discussed a question on the listing of a lease line depicted on the drawing with Town counsel, Attorney John Ratigan that he listed as outstanding item #10. Mr. Weinrieb said that Jim Vera surveying was supposed to weigh in regarding the Bugaboo Creek and iHop lease line that would be running through the building.

Mr. Weinrieb said the lease line had been recorded on the plan, and suggested that they update the lease line. Mr. Marconi suggested that they change the deed. Mr. Glowaki responded that they thought they would remove the lease line from the drawing and rectify the plan with the Rockingham Registry of Deeds. Chair Hebert agreed that this was all one property, and that the Registry only cared about property lines, not lease lines that were for the Crossing Mall's internal use.

Mr. Cross asked about the note on owner of record. Mr. Weinrieb responded that part of the confusion was that each building was taxed individually. Alicia Busconi, V.P. for KeyPoint Partners, property managers of the Crossings Mall stated that was correct, aside from some stand-alone valuations. Chair Hebert said the assessors should provide be one tax bill for all lots going to the owners, the Crossings Mall to pay to the Town, and then the distribute their own bills to their leasees.

Chair Hebert asked if construction would be going on at the same time as Eversource putting up power lines, and Alicia Busconi, V.P. for KeyPoint Partners, property managers of the Crossings Mall said it could.

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Chair Hebert asked that they have a separate meeting to review the lighting plan for the mall with Mr. Weinrieb for the mall, and he would make part of condition of approval if acceptable by the Board.

Ms. Busconi asked if the Board would also look at the Aldi sign package. She said they were submitting a request for a 120 square foot sign elevation on the front corner of their tower, with one sign facing the access, and the other sign facing Woodbury Avenue for a total of 240 square feet where 75 square feet of signage was allowed on the side elevation, and 211 square feet were allowed on the front elevation for a total of 286 square feet, requiring a variance for the side elevation.

Chair Hebert asked if the sign would be a fixed LED sign illuminated from the interior. Ms. Busconi replied that it would be, the same as Aldi's sign in Dover.

Chair Hebert asked if the building inspector approved the handicapped parking proposal, and Mr. Glowaki said he did.

Chair Hebert closed the public hearing, and informed Mr. Weiner that a full board was present so he couldn't add to deliberation or vote.

Town Planner, Gerald Coogan passed out a draft motion and conditions for approval, and discussion ensued with additional suggestions.

Chair Hebert requested that Ms. Busconi provide Mr. Weinrieb with updates Mr. Weinrieb suggested adding "as built" at the end.

Mr. Cross recommended adding the non-standard building signage, and asked if they wanted to add directional signage. Chair Hebert replied that they would need to return to the public hearing.

Rachel Cormier, Senior Property Manager for KeyPoint Partners stated that there already was a sign facing Barnes and Noble where the Aldi Market would be added. Mr. Weinrieb suggested clarifying Way Finding signs further. Board member, Peter Welch suggested adding wayfinding signs as a condition.

Chair Hebert asked if the Walpaks would be shining down, and Mr. Glowaki said they would be and were depicted on the lighting plan.

Board member, Ben Johnson asked if the pavement waiver needed to be included in the conditions, and Mr. Coogan said the discussion was included in the Minutes and would be added to the plan notes.

Mr. Cross asked if they would reclose the break in the median on the Woodbury Avenue access by November 1, 2019. Mr. Glowaki relied that it would be close, and that they were contemplating some directional signage during the third phase to allow turning into iHop to avoid going out on Woodbury Avenue. Mr. Weinrieb responded that he thought it was unlikely that anyone would take a left going the wrong way.

Mr. Cross asked if they would put up flashing lights for pedestrians crossing from the sidewalk. Mr. Glowaki replied that it was a good question that they could consider building during the first phase.

Chair Hebert closed public meeting.

Chair Hebert stated that he was concerned with traffic obstructions to and from the Crossings as a result of Aldi construction clashing with Eversource's construction, and Ms. Busconi agreed, and said they would be working to address any issues.

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Mr. Cross added that they also needed to keep the wetlands planning in mind in terms of access between other properties.

*Peter Welch moved to approve the proposal by the Crossings Mall to replace the existing vacant Bugaboo Creek Steakhouse with an Aldi Supermarket at 45 Gosling Road, Tax Map 34, Lot 3 with the following conditions:*

1. *Regarding site specific issues:*
  - a. *Correct technical issues as identified in the August 22, 2019 Altus Engineering letter;*
  - b. *Obtain all State permits, including New Hampshire DES Alteration of Terrain, and others as needed;*
  - c. *Record Stormwater Management maintenance requirements.*
2. *Regarding specific administrative issues:*
  - a. *Provide funds for third party inspection services*
  - b. *Provide a PDF for the FINAL approved plans, which reflect any and all changes required as part of the approval process, including technical review comments;*
  - c. *Provide (1) Mylar to the Town of Newington, and (10 Mylar suitable for recording at the Rockingham County Registry of Deeds with appropriate recording fees (depending on Mylar size), with a separate fee for Land Conservation Historic Investment Program (LCHIP), payable to Rockingham County Registry of Deeds, and three (3) copies of the final plan as approved by the Newington Planning Board;*
3. *One Hundred percent (100%) of the total cost of landscaping (\$ to be determined from the final approved plan), to be held for a period of two (2) growing seasons to guarantee the survival of the landscaping installation;*
4. *Ten percent (10%) of the site improvements estimate shall be provided for site improvements 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;*
5. *All final approvals by the Planning Board shall expire within two (2) years from the date of the site approval, unless the Board grants an extension. (See Section 23 – Site Approval Expiration, Site Plan Review Regulations.)*
6. *Work is not to start before final plans are approved and the Mylar is signed, and State Permits have been received.*
7. *That a lighting plan for the entire mall be reviewed at a separate meeting.*
8. *That an as built plan be provided after completion*
9. *That the applicant receive approval from the Zoning Board of Adjustment for a variance for a 120 square foot sign elevation on the front corner of their tower, with one sign facing the access, and the other sign facing Woodbury Avenue for a total of 240 square feet where 75 square feet of signage is allowed on the side*

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*elevation, and 211 square feet is allowed on the front elevation for a total of 286 square feet*

*10. That wayfinding signs be installed for ingress and egress as needed.*

*Ben Johnson seconded, and the motion passed 7-0.*

B) Site Plan Phase V Amendment proposal for a building expansion by **Wilcox Industries** regarding their property located at **25 Piscataqua Drive, Tax Map 27, Lot 22**

Chair Hebert announced that Wilcox Industries had submitted a letter requesting an extension to the next meeting. Mr. Coogan suggested that they meet on the Tuesday after Columbus Day as they needed more time to respond to Mr. Weinrieb comments and complete their plans.

II) **Preliminary Consultation:** by KeyPoint Partners, property managers of the Crossings Mall and McGovern Auto Group to discuss a proposal for a **Subaru** dealership at the former Toys R Us location at **45 Gosling Road, Tax Map 34, Lot 3**

Greg Mikalatis with August Consulting appeared before the Board on behalf of McGovern Auto Group that had taken over the former Toys R Us lease at the Crossings Mall. Mr. Mikalatis said they were proposing to adapt the existing building to a Subaru auto dealership under the redevelopment ordinance.

Mr. Mikalatis said that the plan showed a legal subdivision created two lots in 1983. Chair Hebert asked Alicia Busconi, V.P. of KeyPoint property management for the Crossings said that it was taxed as one 57-acre parcel. Chair Hebert said the original application showed lease lines, not a legal subdivision, and this would need to be resolved to show that the proposal would be on a single lot.

Mr. Mikalatis said McGovern Auto was looking to move their Subaru dealership that was currently in North Hampton, and would discuss architecture, lighting, paving, and traffic improvements.

Chair Hebert announced that this was only a non-binding consultation to share general information.

Ben Clarke with ACM Engineering said they were looking at stormwater management to treat as much water from 58,000 square feet of pavement runoff as possible with single grated catch basin. He added that an 18-inch culvert currently discharged into the wetland, and they intended to add riprap to slow erosion, and a stormwater basin to handle the volume so that they would go from 0% treatment of impervious surface to 47% treatment.

Mr. Clarke stated that they would be reducing impervious surface by 1200 square feet by removing pavement in a couple of areas to help with grades and stormwater management.

Mr. Clarke said they would put in a landscape buffer along the south edge of the parking lot between the pavement and the wetland area and in existing aisles. He said the

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pavement would be seal coated, crack sealed, restriped to retain 240 parking spaces on site, and retaining a 24-foot-wide travel aisle around the building.

Mr. Clarke said they would retain the same entrance and exit, and there would be an internal flow of traffic with two service bay doors, an exit on the other side of the building.

Mr. Clarke said the six existing light poles would remain, and would be updated with new LED fixtures per Town specifications.

Matt McGovern owner of McGovern Auto presented the building layout for Subaru service and showroom dealership requirements. Mr. McGovern said that he owned ten auto dealerships, including an Audi, BMW, Dodge, GMC, and Hyundai dealerships. He said they saw an opportunity to move out of their cramped lot in North Hampton to a larger area that could utilize an existing structure.

Mr. Cross asked if this site would be larger than the North Hampton site, and Mr. McGovern said it would be much larger, and this would be a big improvement.

Mr. Cross commented that they would need to partner with the Town to keep the drainage channel on the south side their property open as it drained a lot of the mall. Mr. Mikalatis said he thought the old detention pond was not part of the lease and that it was a different property.

Mr. Cooke asked where the flow went, and Mr. Clarke said it drained behind Cumberland Farms.

Mr. Marconi asked how they would improve the current water collection from the site, and Mr. Mikalatis replied that they were not changing the roof so there would be no additional runoff. Mr. Clarke added that the roof drained to the back of the building, and flowed to a culvert. Chair Hebert said he thought rubber roofs provided a low level of pollution.

Mr. Welch asked if the car wash facility would be zero discharge, and Mr. McGovern replied that they only did handwashing, and did not have reclamation systems from larger operations.

Mr. Cooke asked if they would have an oil/water separator, and Mr. McGovern said they would. Chair Hebert commented that the Town would be concerned with how waste water would affect rate payers in town.

Mr. Johnson asked what percent of the site was impervious, and Mr. Clarke replied they were required to have 1.1 acres of open space and they were providing 1.6 acres.

Mr. Johnson asked how much stormwater they were reducing, and Mr. Clarke replied that none of the 5,800 square feet of pavement was being treated, so they would be treating 43%.

Mr. Weiner said he would like to see the landscaping plan. Mr. Mikalatis said they would be supplementing the existing plantings, but they did not want to plant a screening hedge because they wanted the vehicles to be visible. Mr. Weiner suggested that a backdrop of greenery would work without blocking the cars. Chair Hebert reminded them that they could plant shrubs, but couldn't plant trees because of power lines going in.

Mr. Mikalatis said they would submit drainage studies to Altus, and a landscape plan to the Conservation Commission.

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Mr. Cross asked if they would keep the compactor from Toys R Us, and Mr. Mikalatis said it would stay. Mr. McGovern added that they wouldn't need to use it.

Mr. Cross said he was interested in a sidewalk connection to iHop that wouldn't interfere with traffic. Mr. Mikalatis said they would need to see Aldi's plan to see if it would work. Mr. Cross stated that the Town would expect periphery improvements like curbing in the site development to match other surrounding areas.

Chair Hebert commented that the facility looked nice in the drawing, but was surprised that they were only repairing the parking lot instead of replacing pavement that looked in rough shape.

Chair Hebert asked about parking inside the building. Mr. McGovern stated that there would be a combination of parking inside for sale cars and service cars, and sprinkler systems would be installed.

Chair Hebert asked where they would off load auto delivery trucks, and Mr. Mikalatis said he believed they would use the lot entrance, but Chair Hebert said the entrance wouldn't allow auto delivery trailers.

Chair Hebert said they would need to discuss test drives too.

Chair Hebert said the Town had a stringent dark sky ordinance, and that they would need to present a plan showing that how they would meet the lighting regulations. Mr. Mikalatis said they would replace the existing fixtures and would present their lighting plan to Altus Engineering.

Chair Hebert pointed out that Gosling Meadows residential site across the street was not part of Newington, but they would still be concerned with lights and noise. Mr. McGovern stated that they didn't use exterior speakers. Mr. Weinrieb wondered if the proposal would prompt a regional impact for Gosling Meadows. Chair Hebert said the applicant would be required to notify the abutters, but he would need to check to see if it required a regional impact notice.

Mr. Weinrieb commented that the layout of the site predated current regulations, so the Fire Department might require reshaping of access and islands.

Mr. Weinrieb asked if all autos in assigned space. Mr. Mikalatis said that was intent, and there would be signage for travel routes to the sales area, service bays, and visitor parking.

Mr. Cooke asked how many autos they would have on the site, and Mr. McGovern replied that that they would need 80 spots for employees and customers, and would use the remainder of the 240 spaces for inventory. He said they would need to supplement inventory with offsite parking that was yet to be located. Mr. Weinrieb commented that Subarus were small vehicles, so they might want to consider not striping the display parking area to allow more parking for vehicles.

Chair Hebert stated that the Ordinance required that businesses be self-contained with no off-site storage or parking. Mr. Weinrieb said it was clear that they would need spaces for patrons and employees, and the rest would be considered outdoor storage or materials. Chair Hebert suggested working with him and Mr. Coogan because they didn't want to congest other parking areas like the malls that had parking requirements to meet. Mr. Mikalatis asked if they should go to the Planning Board or the Zoning Board of

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Adjustment (ZBA) if they came up with an unconventional proposal, and Chair Hebert said he would find out.

Mr. Weiner asked how many autos they typically ordered, and Mr. McGovern said Subaru typically had quick delivery, so they usually had 50-60 used cars and 100 new cars on display. He added that they usually used offsite parking for 50-70 excess vehicle inventory of similar colors and models.

Mr. Cross asked if there were any vehicle rental or insurance affiliates, and Mr. McGovern said they provided their own loaners.

Chair Hebert asked when they hoped to begin construction, and Mr. McGovern replied that he hoped to start 60 days after approval. Mr. Mikalatis added that they were submitting their plans around the end of September, and hoped to present at the first meeting in October 2019.

### III) New Business:

*These items were delayed to hear the following item first.*

### IV) Old Business:

- A) Update on completion of bioretention area and landscaping at **Dennett Farm** residential development located on **Lydia Lane, Tax Map 17, Lot 4**

*This item was taken out of order.*

Chair Hebert stated that the Board had called a meeting regarding concerns with incompleteness that had been expressed from residents of Lydia Lane.

Lydia Lane developer, Joe Calderola said that the rain garden was the most controversial unfinished item. He said the design had been approved years ago, but the plantings didn't take. Mr. Calderola said the rain garden had been inspected, but they decided not to make additional changes until Altus had reviewed the revised drainage.

Mr. Calderola stated that there were three points of outflow from the development, and that two were no worse, but there was a little extra flow at the drainage point toward Town Hall, so he decided to make the rain garden larger to provide retention and drainage.

Mr. Calderola said that the University of New Hampshire (UNH) Stormwater Center had recommended a soil mix on their website, but it was only sieve analysis, and there was no recommendation on how to achieve and obtain materials. He said he emailed Jamie Houle, head of the Stormwater Center who advised him to use 50-60% sand, 20-30% loam, and the rest bark mulch, which he did twice, but nothing grew as there were no organics in the mix. Mr. Calderola said he then spoke with UNH's former Director of the Stormwater Center, Rob Versine who recommended that he replace the top four inches with super loam with compost, and till it in to think with sand.

Mr. Calderola said the surrounding loamed areas were growing fine, however, and that ordinary mowable grass had now become accepted as state of the art in rain gardens



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because plants were difficult to maintain. He said this would be the third time that he would be replanting the rain garden so he intended to put four inches on top without tilling so that the grass could grow through varying rain and drought.

Mr. Weinrieb said Mr. Calderola was correct that rain garden recommendations had evolved over time, but there were many in New Hampshire that were successful under the Stormwater Center's criteria. He said he was struggling with the idea that Mr. Calderola was not agreeing with the UNH's recommendations. He said he thought part of reason the plants failed was the mix was too sandy, the plants had to be both water and drought tolerant, and watered and maintained until they were well established.

Bruce Johnson of Lydia Lane stated that the plantings in the cul-de-sac had died, and the dry soil remaining appeared to be full of gravel, and it looked like a large brown crater in the middle of the circle, so he thought residents would be happier if Mr. Calderola improved the soil with loam and replanted.

Bev Woodcock of Lydia Lane said she was afraid that only planting grass in the enlarged hole would just look like a meteor hit it, and suggested planting some tall ornamental grasses.

Bill Wright of Lydia Lane commented that the circle was very dry much of the time, and that it was currently brown with 80% crabgrass and weeds. Mr. Wright said he was in favor of improving the growing media, and growing grass, and perhaps a few shade trees, being careful of plants that the deer might browse.

Mr. Coogan pointed out that the developer was currently responsible for the cul-de-sac, but once it became established after two seasons, the homeowners would take over eventually for long term maintenance.

Tim Nichols agreed that it would be great to have plantings, but it would take a lot of maintenance to establish before residents would take it over, and he would also be happy with a conservation grass mix.

Mr. Weiner commented that he thought that many rain gardens were heavy maintenance, and he was afraid homeowners would not keep it up unless everyone agreed to do so. He also agreed with Mr. Weinrieb that a rain garden would require watering to establish, and suggested watering donuts or gators for the first three years if they planted trees.

Mr. Cross asked what dimensions, capacity and maintenance of the rain garden was. Mr. Weinrieb replied that this rain garden was 20'x20', with a 400 square foot center to be surrounded by lawn. He said the rain garden center was designed for stormwater treatment, and would only require mowing twice a year if planted with a conservation mix. Mr. Weinrieb said maple trees usually suffered from road salt, and he didn't advise deviating from UNH's recommendations, but other communities had success in planting linden trees.

Mr. Weiner suggested that they consult with an expert on what other plants or trees would grow well with changing conditions, and not attract deer.

Mr. Marconi commented that there was standing water problem in the area when the development was reviewed, and it was determined that a rain garden was needed to address runoff, but he supported whatever plantings the residents agree upon.

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Ben Johnson commented that he had planted bushes in a rain garden that were tough to establish and maintain so he didn't recommend them.

Mr. Cooke said he thought that a tree would look nice in the center, and Chair Hebert agreed that the recommendation for soil in the rain garden was terrible to grow anything, and thought that adding and tilling in loam would improve the growing medium.

Bruce Johnson stated that the rain garden was now half of the cul-de-sac. His wife, Joanne Johnson said that the rain garden was so big and sloped that she didn't think trees would grow there, but Mr. Calderola said a tree might live if planted on the outer upside.

Bob Whitcomb of Lydia Lane said five trees that were planted behind the cul-de-sac were doing fine. Mr. Calderola replied that they were growing in native soil.

Chair Hebert noted the fact that only crabgrass and weeds were growing verified that the soil was inadequate for healthy growth and would need replacing in the cul-de-sac. Mr. Whitcomb said construction equipment had also compacted the soil in the cul-de-sac so it would be important to improve and till it before planting. Mr. Whitcomb added that timing was critical, and September was the best time to plant grass.

Mr. Calderola said he had scheduled a mini excavator to do the soil and agreed to do the planting in September. He said he also scheduled to do the pavement, and clean the culverts in September so that the Town could take over the road.

Mr. Weinrieb commented that he hadn't received a response to his punch list from August 2018, and more than pavement needed to be addressed, and that he risked not meeting final approval if he didn't keep them informed to do inspections as Mr. Calderola was having work done. Chair Hebert added that the meets and bounds corner markers had not been complete, and that he wanted to be sure that the properties were clearly recorded at Rockingham County Registry of Deeds.

Mr. Weinrieb said although the planting wouldn't be fully established, it could be started, and the residents wanted the project completed so that they could receive trash pick-up, mail delivery, and plowing like other residents.

Chair Hebert agreed that he wanted to be sure that Altus Engineering was able to review the work in progress so that the road was shived to correct the pitch before paving, that the soil, planting and irrigation for the rain garden was carried out properly because it was expensive to correct mistakes.

Mr. Weinrieb said he was not sure if the soil was ever tested, and fertilizer added to address deficiencies to allow grass to grow. Chair Hebert said sounded like residents wanted grass and a couple of trees and agreed they would need to improve soil and add irrigation.

Mr. Calderola said he initially rented a meter from the City of Portsmouth Water Department to run hoses across pavement during the first season, but once established it would be up to the homeowner's association to take over watering, and didn't see any practical was to water the cul-de-sac. Mr. Weinrieb disagreed, saying that maintenance was incumbent on him the first two years, and he wouldn't get his funds back if he left it up to residents before being established, and it failed.

Mr. Calderola said he wanted to discuss planting further with the residents to come to an agreement as there was no consensus. Mr. Calderola added that gravel shoulders

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were required for a Town road, but many lawns had been brought out to the right-of-way, which created an issue. Mr. Wright suggested that residents work collaboratively to make recommendations on plants that would grow in amended soil.

Mr. Calderola noted that he also spent \$40,000 to rebuild a stonewall that wasn't required and asked if could exchange that expense with \$12,000 for wetlands treatment. Chair Hebert agreed that he was not required to rebuild the stonewall, so it was his own choice, and it did not absolve him from stormwater treatment.

Mr. Calderola said the original planting cost \$12,000 and he didn't want to be responsible for an additional \$30,000. Mr. Weinrieb responded that the development hadn't fully been built to specifications, and he hadn't installed filtration, and had to redesign the rain garden.

Mr. Weinrieb stated that in their March 18, 2019 letter Altus recommended that Mr. Calderola return to the Board for approval, but he went forward without returning to the Board. Chair Hebert pointed out that any significant changes to a design required a return to the Board for approval. Chair Hebert added that the Board required that landscaping plans be designed and signed by a landscaping professional, and that he needed to return immediately with a planting plan that would work and was done by an expert.

Chair Hebert asked which of the residents were unhappy with the design of the cul-de-sac, and all the residents present raised their hands. Chair Hebert suggested leveling depression, but Mr. Calderola said he was satisfied drainage. Mr. Weinrieb responded that it may have met drainage design, but he still needed to return to the Planning Board for approval.

Mr. Marconi commented that it was not up to the Planning Board to design the stormwater treatment, but it had to be complete before the Board of Selectmen would accept the road. Mr. Weinrieb said the residents had to agree and then return to the Board.

Mr. Calderola said he could follow UNH's recommendation and till in the soil, and then plant grass. Chair Hebert advised that he get a grass mix with a little annual seed to establish quickly along with the perennial seed. Chair Hebert added that it still had to work as a rain garden, but suggested that he review the pitch to be sure that it was possible to mow.

Ms. Whitcomb asked whose expense it would be to maintain the cul-de-sac for the next two years. Chair Hebert responded that the planting and establishment of the cul-de-sac for two years was a condition the Planning Board's approval, but he didn't know what the owner's sales agreement was with residents. Mr. Weinrieb said it didn't make any difference because the developer's funds would sit with the Town, so he won't until it was complete. Mr. Calderola responded that the homeowner's association was responsible, but agreed that they didn't have to do anything because he was on hook for two years until the plantings were established. Bill ?d when clock starts. Chair Hebert said when complete and the Town accepts. Mr. Weinrieb said clock starts when the Town accepts.

A resident ?d if would . Mr. Weinrieb said technically would go to con com.

Chair Hebert asked when paving. Mr. Calderola said in sept after dirt work done. Chair Hebert said pavement needs to get done so they don't spoil the dirt work.

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Mr. Wright asked for clarification regarding the single culvert under his driveway that should have been a twin 12-inch culvert. Mr. Calderola said the lawns became more gradual on the back lots, so they did a new as built drainage analysis, so the additional culvert wasn't necessary. Chair Hebert asked Mr. Weinrieb if that was correct. Mr. Weinrieb said he didn't understand why they didn't put two culverts in the first place if that was what was called on the plan, but it was fine. Mr. Whitcomb said that would be fine as he didn't want to have his driveway dug up.

Chair Hebert reminded Mr. Calderola that he needed to return to the Board in September with a revised cul-de-sac slope and planting plan.

### III) New Business:

*These items were delayed to hear the previous item first.*

#### A) 2020 Planning Board Budget

Chair Hebert said he would work on the 2020 Budget for the Board of Selectmen, and present it to the Board for discussion in September.

#### B) Discussion of potential 2020 Zoning Ordinance amendments

Mr. Coogan presented Board members with a memorandum of the following suggestions and drafts for amendments for future discussion:

- 1) Solar Ordinance
- 2) Changing the Building Code to remove a dollar amount on structure modifications.
- 3) Definitions: TBD
- 4) Wetlands Overlay District – based on an updated wetlands map to be completed by Town wetlands consultant, Mark West for the September 23, 2019 Planning Board meeting.
- 5) Patterson Lane Residential and Industrial Zone Buffer: General discussion

Mr. Cross suggested that they should consider safe distances from the pipeline in case of accidents. Mr. Weinrieb suggested that they do further research. Mr. Coogan said it would not be a taking if the Board could defend their reasons.

- 6) Cul-de-sacs

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Mr. Cross said the Board needed to look at cul-de-sac requirements, drainage, plantings, and maintenance. Chair Hebert said the Town owned most of the cul-de-sacs in town. Mr. Cooke said one of the properties owned the cul-de-sac on Hannah Lane. Mr. Weinrieb said some communities simplified that a non-buildable lot would be attached to one of the other parcels.

Chair Hebert said he wanted to be sure developers followed up with their responsibilities.

### **C) Alternate Planning Board members**

Mr. Coogan passed out a letter of inquiry from a new resident. Chair Hebert said the Board was full right now, but suggested inviting interested parties to Board meetings to observe.

### **IV) Old Business:**

- A) Update on completion of bioretention area and landscaping at **Dennett Farm** residential development located on **Lydia Lane, Tax Map 17, Lot 4**

*This item was taken out of order and heard earlier.*

### **B) Master Plan Update**

Chair Hebert said Theresa Walker with Rockingham Planning Commission would be writing up information that had not changed for the next review.

Chair Hebert said they started updating the Master Plan two years earlier, and the Board had been working hard and making progress for the last few months.

### **C) NPB Meeting Schedule: September through December 2019**

Mr. Coogan passed out a proposed schedule of meeting dates for the next three months for public hearings for applications, the Master Plan, possible Ordinance amendments, and the 2020 budget.

### **V) Additional Discussions:**

#### **A) Alternate Voting Rules**

Chair Hebert said the question had been raised regarding an alternate nominating another alternate. Chair Hebert said he consulted with Town counsel and was informed that an alternate Board member could not make a motion or vote during a public hearing unless

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they were replacing a full-member that was absent, but they could participate in other business.

Chair Hebert said that was why he was now calling roll call votes as to who was in favor, opposed or abstaining.

### B) Capital Improvements

Chair Hebert said CIP Executive Director, Tim Roach would be working with the Board to help identify priorities, schedules, and funds to be set aside for large expenditures. Chair Hebert said they were also asking different departments to provide a wish list for consideration.

**Minutes:** *Chris Cross moved to approve the Minutes for the July 8, 2019 Planning Board meeting with corrections as noted. Peter Welch seconded, and all were in favor.*

*Peter Welch moved to approve the Minutes for the July 11, 2019 Master Plan meeting with corrections as noted. Chris Cross seconded, and all were in favor. Mm abstained.*

*Chair Hebert reminded everyone that it was acceptable to vote even if they were not present at a meeting.*

**Adjournment:** *Erika Mantz moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 9:36 p.m.*

**Next Meeting:** Thursday, September 5, 2019

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

*These Minutes were approved and adopted at the September 5, 2019 Planning Board Meeting.*