

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 11, 2023

- Call to Order:** Chair Denis Hebert called the September 11, 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, Jill Semprini and Rick Stern; Board of Selectmen's Representative, Bob Blonigen; Town Planner, John Krebs and Jane Kendall, Recorder
- Public Guests:** Robert Clark from Allen and Major Associates; Greg Mikolaities, Principal P.E. with August Consulting; Ben Shapiro from Sig Sauer on speaker phone; Michael Mates, representative for Pease Development

I) Public Hearings:

A) **Site Plan Review** of Sig Sauer expansion for product testing (+/- 950 s.f.) at their 72 Pease Boulevard location

Robert Clark from Allen and Major Associates appeared before the Board to present their site plan for an expansion to the existing Sig Sauer facility.

Mr. Clark stated that there would be no additional employees, or an increase in impervious surfaces, parking, or traffic. Mr. Clark stated that they would move one catch basin over to tie into the existing drainage.

Mr. Shapiro said the expansion of the 100-meter tubing along the outside of the building was in preparation for their next weapon product testing.

Chair Hebert added that the trap house would catch munitions, and have proper noise and ventilation.

Chair Hebert asked if taking over the loading dock space would create issues with egress and unloading. Greg Mikolaities, Principal P.E. with August Consulting replied that the loading dock space wasn't used much.

Town Planner, John Krebs asked if this would cause any need for regional impact considering the Town of Greenland had appealed the approval of another Sig Sauer facility a year ago. Chair Hebert pointed out that Pease Development Authority

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(PDA) reviewed approved developments at Pease Tradeport, and the Newington Planning Board only made recommendations.

Chair Hebert noted that the six Board members would be voting.

Jim Weiner moved that there would be no new regional impact for the Sig Sauer expansion for product testing (+/- 950 s.f.) at their 72 Pease Boulevard location. Peter Welch seconded the motion, and all were in favor.

Peter Welch moved to make a recommendation for the Site Plan of Sig Sauer expansion for product testing (+/- 950 s.f.) at their 72 Pease Boulevard location. Jim Weiner seconded the motion, and all were in favor.

Mr. Krebs said he could provide the notice of decision by Thursday, September 14, 2023.

II) 2024 Planning Board Budget

Chair Hebert recommended that the Board increase their budget from the previous year because they would be increasing the Town planner's salary to cover him coming in an additional day each week.

Mr. Krebs noted that he hadn't asked for one, but he was given a new computer this year as well.

Mr. Stern asked how much of the planner's salary was reimbursed by applicants. Mr. Krebs replied that he thought it was around 30%. Chair Hebert added that \$30,000 of the budget was reimbursed last year.

Board member, Jim Weiner asked what part of the total budget was offset as well. Mr. Krebs responded that engineering was 95-100%, legal was around 30%, noting that the Planning Board pays legal fees for the Conservation Commission and the Zoning Board of Adjustment (ZBA), but the Conservation Commission seldom uses legal services, and the ZBA was rarely compensated.

Mr. Weiner noted that legal services had doubled, adding that they could go to the Board of Selectmen if more legal services were needed.

Mr. Weiner suggested that the engineering budget be removed as it was usually compensated.

Chair Hebert said there may be fluctuations in spending from one year to the next that they couldn't predict, but the Board usually kept funds in the engineering and legal budgets.

Mr. Weiner said he had talked with Building Inspector, Jeremy Boston regarding an upgrade to the recording system loop to be used with hearing aids, in addition to stop and start buttons to turn meeting audio on and off so they wouldn't have to go to

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another room for non-public sessions. Chair Hebert responded that upgrades to the recording system would not fall under the Planning Board's budget.

Chair Hebert recommended a joint meeting to get more feedback from the Board of Selectmen. Board of Selectmen's representative Bob Blonigen said he would discuss a joint meeting with other the other Selectmen.

At 6:33 p.m. Peter Welch moved to go into another room to continue with a non-public session per RSA 91A3:2A to discuss employees, and Jim Weiner seconded the motion. Bob Blonigan, Ben Johson, Rus Cooke, Jim Weiner, and Peter Welch all voted in favor.

Upon their return, Russ Cooke voted to come out of non-public session, and seal the Minutes for five (5) year. Peter Welch seconded the motion, and the motion passed with Bob Blonigan, Ben Johnson, Peter Cooke, Jim Weiner, and Peter Welch voting in favor.

Chair Hebert announced that they would increase one employee line a little.

Board member, Ben Johnson asked if made sense to increase engineering two years in a row. Chair Hebert said they could, but he was trying to hold budget lines as requested by the Board of Selectmen since 2015 whenever possible, and thought it would be ok.

Jim Weiner moved to approve the proposed 2024 Planning Board Budget at \$187,111. Russ Cooke seconded the motion, and all were in favor.

I) Public Hearings: Continued

B) Subdivision Regulations: Amend Section 4, by adding a new Section J. as follows: *"The Applicant shall submit a copy of a completed Land Use Tracking Form using the Pollutant Tracking and Accounting Program (PRAP) online portal currently managed by the UNH Stormwater Center."*

Mr. Krebs said he had gone through the regulations to make updates and recommendations.

Chair Hebert reminded everyone that a use was not allowed if it was not listed.

Chair Hebert added that the University of New Hampshire (UNH) approached them to update stormwater regulations.

Alternate Board member, Jill Semprini said someone from the Sewer Commission had been attending the meetings for Newington, and Dover was also participating.

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Ms. Semprini said the online form goes into the UNH portal. Ms. Semprini said Jamie Houle at UNH would follow up with Mr. Krebs if she didn't see entries, or Mr. Krebs could have his own log in.

C) Site Plan Review Regulations: Amend Section 7.g. by adding a new Section 10 as follows: *The Applicant shall submit a copy of a completed Land Use Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center."*

Chair Hebert noted that there were no public comments, no one in attendance.

Peter Welch moved to amend the Site Plan Review Regulations, Section 7.g. by adding a new Section 10 as follows: The Applicant shall submit a copy of a completed Land Use Tracking Form using the Pollutant Tracking and Accounting Program (PTAP) online portal currently managed by the UNH Stormwater Center." Ben Johnson seconded the motion, and all were in favor.

II) **Discussion:** Planning Board Rules of Procedures continuation

Mr. Krebs said most of the procedures were similar to other New Hampshire towns, with some tailoring for Newington. Mr. Krebs added that he had changed the revision date from 2015 to September 2023.

Mr. Stern said he thought it would be helpful if construction companies were required to post their hours of operation so that anyone driving by would be aware, and could report any deviations.

Chair Hebert said they could ask developers to do that, and Mr. Blonigen agreed.

Mr. Stern suggested that posting hours of construction be added to the Subdivision Regulations.

Mr. Cooke asked if the Newington Police Department would take notice. Mr. Krebs responded that the police department had more important things to enforce, but it wouldn't hurt to put a sign up.

Board member, Peter Welch asked what the enforcement mechanisms would be. Mr. Krebs said it would mostly be informational. Mr. Welch wondered if it would come down to the building inspector when a call was made.

Mr. Krebs said most bigger contractors usually work Monday through Friday, and an occasional Saturday, and he never had an issue. Mr. Johnson said they could call for permission to work on a Sunday occasionally.

(Vice-Chair Cross arrived at this point in the meeting at 7:30 p.m.)

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Mr. Weiner read under Order of Business on page 6 of 12, 9. that the recording secretary would do a role call at the beginning of meetings. Chair Hebert responded that the previous planner established the order of business, but the Board could make adjustments.

Chair Hebert said he always had the Board approve the Minutes at the end of meeting so they wouldn't waste the applicant's and public's time and money, so he thought that the applicants should be able to present their application first before the planner, and consultants present questions. Mr. Krebs suggested that they change shall to may.

Mr. Cooke said he thought the Board should review the Minutes at the beginning of the meeting and retain the word shall.

Mr. Blonigen agreed that reviewing the Minutes with previous discussions could help the Board with their considerations.

Mr. Stern said he wanted to hear the Minutes related to the application. Chair Hebert said that would be fine, but he didn't want to go through approval of Minutes while applicants and the public were waiting to do their presentation.

Mr. Cooke said applicants knew how boards work, and shouldn't be put out if the Board wanted to review the Minutes.

Chair Hebert said it was the Chair's responsibility to run the meeting efficiently, and have Board members ask questions to be sure everything was covered.

Peter Welch moved to change the wording in approval of the Minutes from shall I to may.

Mr. Krebs suggested that it say, "...shall generally be as follows...."

Jim Weiner seconded the motion.

Mr. Weiner went on to say that many of applicant presentations include the ZBA criteria, but the Board didn't need to hear that, so he thought that Mr. Krebs could guide the Board to be more efficient.

Chair Hebert responded that applicants only identified the variances they needed for applications, but they did not present their ZBA criteria for granting variances.

Mr. Weiner said he wanted to see documentation where the planner waits to summarize an application until after the application was presented.

Chair Hebert noted that the governing rules on page 7 didn't list a set order whether the applicant spoke before the Town planner, and expert comments that followed.

Mr. Weiner agreed that they should add the application presentation, but disagreed that Mr. Krebs should introduce the applicant first.

Chair Hebert said the planner and consultants were advisors, but it was the Board's job to ask pertinent questions to determine if applications should be approved or not.

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Mr. Cooke should add something between 5. and 6 about the applicant's presentation.

Mr. Johnson asked if the Board could make a determination on how to proceed before the presentation.

Mr. Krebs said he and the engineer go through the application to be sure it is complete, and ready for the Board's review. Mr. Krebs went on to say that the Planning Board couldn't accept an application as complete if variances were not approved, but there were rare occasions when it was later determined that a variance was needed after it had been accepted as substantially complete.

Mr. Weiner said he had no issue whether approval of the Minutes were voted on before or after public hearings, but he had an issue with Chair Hebert said he and Vice-Chair Cross speaking as engineers, when it had been decided that it was not the Board's job to engineer for an applicant because it could make the Town libel.

Vice-Chair Cross responded that business, engineering, wetlands, or ordinance problems needed to be identified and discussed, but understood that it would make the Town libel if Board members tried to direct solutions. Vice-Chair Cross noted that Mr. Weiner had also talked about problems in great detail, but he didn't direct a solution.

Mr. Weiner agreed, and repeated that issues could be identified, but it was up to consultants to discuss the technical details to make meetings more efficient because the meetings went on for too long.

Chair Hebert asked Mr. Blonigen if the Town Administrator ran the Board of Selectmen's meetings, or if the Chair ran the meetings. Mr. Blonigen replied that the Chair ran meetings. Chair Hebert noted that the RSA said that chairs ran meetings, and the Board conferred with professionals, and the only time there was a problem with comments was when someone went on and on, and repeated themselves.

Mr. Blonigen commented that there seemed to be a philosophical divide on how meetings were run.

Bob Blonigan moved that the Chair runs Board meetings, and Peter Welch seconded the motion.

Mr. Weiner responded that he thought that the Board of Selectmen and the Town Administrator was different that the Planning Board and the Town Planner who was an expert that had the the most communications with the applicants, and could help the Board focus on key areas to make meetings more efficient.

Mr. Cooke said the Rules and Procedures showed what the Board did in IX.3, but they should add a statement that says when applicants are present.

Mr. Krebs said they could add that the applicant shall present a summary of their application.

Mr. Stern said he would like to see a synopsis of the application.

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Chair Hebert said it was a public hearing to hear the applicant, not to hear Mr. Krebs review the information that was forwarded to Board members.

Mr. Weiner said he was only asking that Mr. Krebs focus on the applicant.

Mr. Welch moved the vote. Mr. Weiner moved to do a secret ballot. Chair Hebert said the Board couldn't have secret votes on public procedures.

Mr. Stern said the RSA already said that a chair shall run the meeting. Chair Hebert said he knew that, but Mr. Weiner was challenging it.

The motion passed 4-2 with Russ Cooke and Jim Weiner opposing.

Peter Welch moved to amend 9 on top of 6 with the order of business to be generally as follows and change the word shall to may. Jim Weiner seconded, and the motion passed 5-1 with Russ Cooke opposing.

Mr. Krebs suggested a new 4. "...that the applicant may present a summary of their application to the board.

Discussion ensued whether this was already covered in 5. And 6, followed by Board members may ask questions at any point in the presentation.

Mr. Krebs said it was not necessary to spell out every step, but it was okay to imply, and read that the Chair would open the meeting, followed by the applicant's presentation, questions, Town Planner comments.

Chair Hebert said he thought that the applicant should be able to speak about whether they thought the application complete before Mr. Krebs's comments.

Chair Hebert said past Board members were upset when the planner spoke first, so they agreed to follow the NH Municipal Association guidelines, but it would be fine to be flexible.

Chair Hebert added that the Board had to make sure the Town's interests were best looked after, so he didn't want to pare the review down so much that things were missed.

Mr. Weiner reiterated that there were experts to look after the Town's interests, and he wanted to make meetings shorter, so he questioned whether Chair Hebert should run meetings. Mr. Welch pointed out that the Board had just voted to give the Chair the authority to run the meetings.

Mr. Cooke commented that Articles 3 and 2 said that mailers must be sent at least five days in advance of meetings, and asked if that meant packets were to be dropped off at the post office, or received by the Board. Mr. Krebs said he was only in the Town Hall on Mondays and Thursdays, and didn't know how long the mail would take if it was not picked up, but the Board could appoint a retiree to p/u and deliver packets to members if they would like. Mr. Krebs said he had also heard Board members say they were supposed to get packets ten days before meetings, but he had also witnessed members wait to open them just before the meeting.

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Mr. Krebs said sometimes he sends information through emails on occasion if he knows the mail will take too long.

Mr. Krebs said the Board used to review full applications, accept them as substantially complete, and then send them to the Town engineering consultant for review, but he was now having Altus Engineering review the applications first to save time.

Mr. Krebs said the agenda always says that the Board will review an application, not adopt, or approve.

Chair Hebert said the Rules and Procedures are a guide, but sometimes the Board had to be flexible and reasonable.

Mr. Weiner said the Board should never receive anything at the table during a public hearing, and he didn't care if an application had to be scheduled to another time frame.

Vice-Chair Cross agreed that the Board could withhold deciding on last-minute information before review, but they could discuss information with the applicant when it was provided.

Ms. Semprini agreed and read that the Board shall vote on whether the application is substantially complete first, and then listen to further details in the public hearing, or continue to a date certain.

Mr. Blonigen said the issue was that hours were spent talking about saving seconds.

Mr. Blonigen noted that Mr. Weiner had made a point of order and called out Wilcox on a change in a conceptual drawing.

Mr. Krebs responded that it was acceptable to have discussions during a preliminary consultation.

Chair Hebert said anyone, including someone from the public, can present new information at any part of any presentation, but plans were supposed to be presented to the Town Planner and engineering consultant ten days before a formal application.

Chair Hebert added that the Board might bring up something that hadn't been previously discussed, and they could continue to another meeting.

Mr. Weiner said applicants needed to know that they had to provide all required information before the meeting, or they would be continued. Chair Hebert said it was Mr. Krebs's job to be sure they get all their information in, but it was the Board's decision whether to continue.

Mr. Krebs agrees that he didn't like being presented with a stack of information at the last minute, and was committed to not send out applications that were not complete, or that require revised drawings; but he also saw things from the other side as a developer, and thought that this Board processes applications quickly, and positively. Mr. Krebs said he didn't want to put people off for a month if not necessary because time was money.

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Mr. Weiner said he liked Mr. Krebs' monthly reports at the end of meetings, and would also like a weekly report on Thursdays. Mr. Weiner said he would also like Town legal counsel to attend meetings so the Board could ask questions.

Mr. Blonigen said a monthly report was written so he could present it to the Board of Selectmen, but he didn't see the sense of a weekly report because the Board didn't meet weekly.

Chair Hebert said may have to agree to disagree, and wrap up this discussion for the night.

Rick Stern made a motion to move on from the discussion. Bob Blonigen seconded, and all were in favor.

III) Other Business and Discussions:

Mr. Weiner noted that this item had been left off the agenda. Chair Hebert responded that sometimes there was a full agenda, and they wouldn't be able to cover all topics in length at each meeting.

Mr. Stern asked if alternates would be appointed. Mr. Krebs replied that he checked the records, and Mr. Stern still needed to be appointed through 2025, and Ms. Semprini needed to be appointed through 2026 as alternates.

Jim Weiner moved to appoint Rick Stern as an Alternate until April 2025. Peter Welch seconded the motion, and all were in favor.

Jim Weiner moved to appoint Jill Semprini as an Alternate until April 2026. Russ Cooke seconded the motion, and all were in favor.

Chair Hebert advised Mr. Stern and Ms. Semprini going into the Town Administrator's office to sign their appointments.

IV) Town Planner's Monthly Updates

Mr. Krebs said he received bad news that Stoneface was not going forward with the new restaurant and brewery expansion further down on Shattuck Way because interest rates had gone up, and they had blamed the Planning Board review process for taking too long.

Mr. Krebs said that John Ricci's NBR Construction that was going to build the brewery was being dissolved.

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Mr. Krebs said Mr. Ricci was now the sole owner of the parcel, so he was going to rebuild the small building on the north end, and would return to build a medical office building, perhaps this fall.

Chair Hebert commented that the Board and the ZBA went to bat for them on wetlands variances. Mr. Weiner agreed that the Board bent over backwards, and treated them fairly.

Mr. Krebs informed the Board that the motel on Woodbury Avenue was connecting utilities under Woodbury Avenue. Mr. Blonigen said the Board of Selectmen had waived the fee because they were at the end of the moratorium, and they wanted to see the project move forward. Mr. Krebs noted that three different hotels had been approved three times since 2015.

Mr. Krebs said Gregg Mikolaitis, P.E. with August Consulting had met with the Board of Selectmen regarding Torrington and the new owners of the Fox Run Mall. Mr. Krebs said they were visiting malls across the country looking at lifestyle centers, and were considering developing mixed restaurant, retail, and medical use, but not residential.

Mr. Krebs informed the Board that the Conservation Commission had hired a tree cutting company to remove invasives at the Fox Point conservation area starting at the edge of the fields.

Mr. Weiner said they would be testing one area with a machine that clears brush up to the trees that Conservation Commission Vice-Chair Laura Rogers had successfully used on her property. Mr. Weiner said the question was if chemical treatment would also be necessary.

Mr. Krebs said he was confident that it would work well if it was consistently done once or twice initially, and then once a year.

Mr. Krebs said several people had approached with concern about seven or ten story buildings. Mr. Krebs said Wilcox Industries were proposing seven stories in the Commercial Zone, so building codes would address fire safety, but the Planning Board will deal with questions of aesthetics.

Mr. Krebs said the Stone School committee wrapped up work the previous week. Mr. Krebs said they did a survey with a good response rate was that the building should be preserved, and recommended spending the necessary funds to preserve the building to a quality standard until a use could be determined.

Mr. Krebs said they talked about other uses, but couldn't identify a necessary municipal use.

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Chair Hebert added that they were advised not to put asphalt shingles on a slate roof.

Mr. Weiner asked about leaving three sides and allowing it to grow in the back. Mr. Krebs said they only talked about leaving a façade for interest to anyone that might want to.

Mr. Weiner asked for an update on holding a technical review of the CAD drawing for the Shackford lot.

Mr. Krebs said that it was determined that 200 square feet of wetland was impacted, and the New Hampshire Department of Environmental Services (DES) was in the middle of their inspection process. Mr. Krebs went on to say that it was considered a small impact considering that developers often do larger impacts, but it would be cleaned up for DES restoration standards.

Mr. Krebs replied that the formal Technical Review Committee (TRC) with Town Planner, Town engineering consultant, Building Inspector, and the Fire and Police Department chiefs to review applications before being presented to the Board was terminated three years ago because it was determined that he and the engineer did most of the work together, and would inform the Building Inspector of unique situations, but he and the Chief of Police rarely attended as it was an unnecessary waste of their time, and money to take additional Minutes.

Mr. Krebs said they would probably hold a TRC for the Wilcox Industries expansion, however.

Chair Hebert added that the TRC was started on a trial basis in 2016, and the initial purpose was to get the utilities to attend; but they didn't want to attend, so he didn't want to waste anyone's time, or charge the applicants more with consultant costs, so it was at the call of the Town Planner and chairman.

Minutes: *It was decided that the Minutes for the June 26, 2023, and August 14, 2023, would be reviewed and approved at the next meeting.*

Adjournment: *Mr. Weiner moved to adjourn the meeting. Mr. Cooke seconded the motion and the meeting adjourned at 9:23 p.m.*

Next Meeting: Monday, October 16, 2023

Respectfully
Submitted by: Jane K. Kendall, Recording Secretary