

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

- Call to Order:** Chair Denis Hebert called the September 12, 2022, meeting at 6:00 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Board Members: Russ Cooke; Ben Johnson; Jim Weiner and Peter Welch; Alternate Board member, Rick Stern; Board of Selectmen's Representative, Bob Blonigan; Town Planner, John Krebs and Jane Kendall, Recorder
- Absent:** Vice-Chair Christopher Cross
- Public Guests:** Steve Haight, P.E. with CivilWorks; Craig Daigle; Suzanne Russell; Paul and Edna Mosher; Ken Latchaw; Bob Byrnes; Margaret Lamson; Ryan Palmer; Shawn Tobey, P.E. with Hoyle and Tanner; Michael Mates from Pease Development Authority; Greg Makolaities, P.E.; Peter Doucette; Best Buy representative, Suzanne Gregorian; Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering

I) Public Hearings:

A) Two-lot Subdivision request by **Brandon and Lori Arsenault** on property located at **325 Fox Point Road, Tax Map 9, Lot 1**

Town Planner, John Krebs informed the Board that the Arsenault's determined that a mistake had been made with the removal of their rear property line, and now wanted to return it to the way it was for conveyance in the future.

Steve Haight, P.E. with CivilWorks said he had already submitted a subdivision permit request to the State, and had received approval.

Board member, Russ Cooke commented that the new lot was listed as Lot 9-1 instead of Lot 2A or 2B, and wondered if they could be more consistent. Mr. Krebs said he thought it was done that way because it had been part of Lot 9-1. Mr. Haight said it was standard practice when lots come off parent lots.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

Jim Weiner moved to approve the two-lot Subdivision request by Brandon and Lori Arsenault on property located at 325 Fox Point Road, Tax Map 9, Lot 1. Bob Blonigan seconded the motion.

Mr. Krebs recommended that they add that the applicant meet standard Subdivision Regulations as conditions to the approval.

Jim Weiner amended the motion that the approval meet standard Subdivision Regulations as a condition. Bob Blonigan seconded, and all were in favor.

B) Home Occupation request by **Craig and Susan Daigle** to operate a small engine repair shop on property located at **62 Nimble Hill Road, Tax Map 12, Lot 3**

Mr. Krebs said the applicant, Craig Daigle had approached him with an interest in allowing a small engine repair on his property. Mr. Krebs said home occupations were allowed with Planning Board approval with or without conditions.

Mr. Krebs asked Mr. Daigle how he intended on running his operation, and where he would store his clients' engines, and supplies. Mr. Daigle replied that he would run the business out of his existing home garage.

Mr. Daigle said he hoped to hang a sign for appointments only, where he would pick up and deliver engines for operation only two to three days per week.

Chair Hebert asked if there would be storage outside, and Mr. Daigle replied that there would be a quick turn over within a day or two, so there would be no need for storage.

Suzanne Russell, the applicant's direct abutter at 52 Nimble Hill Road said she was all for home occupation if it didn't bother anyone. Mrs. Russell said her father had built the house she lived in, and ran a landscaping business behind the home for many years after retirement. Mrs. Russell said moved into the house 12 years ago, and had added a porch and television room over the garage below that faced the Daigle's house, and she was concerned with noise, and fumes. Mrs. Russell said there was a lot of activity on the Daigle's' property with a crowded driveway with a camper trailer, and people coming and going, as well as a dog run, and a shed with farm animals abutting her property, and there was no sound buffer after the leaves dropped in the fall. Mrs. Russell said she grew up on Shattuck Way where there was a noisy machine shop further away from the Daigle's'.

Mrs. Russell said she knew there would be a lot more construction activity with future development behind all of them, as well, and she was concerned with how her living space would be affected with additional activity so close. Mrs. Russell suggested a site walk before approving.

Bob Byrnes of 95 Nimble Hill Road down the street said he realized that noise was often subjective, but he hadn't noticed any issue with Mr. Daigle's current lawn

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

mower repairs, but he didn't know what the hours of operation would be, and would only be concerned with noise, and the outside accumulation of spare parts.

Edna Mosher of 97 Nimble Hill Road said she was there to support Mr. Daigle who had worked on her mowers and tractors in the past, and said she had faith that he would keep the noise down, and work in his garage.

Mr. Cooke stated that he saw the application as more of a home business than home occupation. Mr. Cooke went on to say that the Ordinance talked about noise, and odors, and how a yard was kept to retain neighborhood character, so he didn't have any problem with the application so long as the guidelines of the Ordinance were kept, keeping in mind that enforcement would fall on the Board of Selectmen.

Mr. Daigle acknowledged everyone's concerns, and said he would be open to adjustments if any issues.

Mr. Daigle said they used to have 20 goats and sheep, and only had seven now on what his wife called Dueling Roosters farm. Mr. Daigle said they finally sold the larger camper that had been in the driveway, and his daughter and four grandkids were staying in the other camper in the driveway for summer before they returned to Florida for the winter.

Mr. Krebs agreed that noise was subjective, and they would need to determine hours of operation.

Alternate Board member, Rick Stern asked if he would limit activity to certain hours. Mr. Daigle replied that he would take calls, pick up, work and deliver two or three days a week.

Chair Hebert asked if there would be any employees, and Mr. Daigle said there would not be any employees.

Chair Hebert asked if would agree to 9 a.m. to 5 p.m. hours of operation, and that repairs would be restricted to the garage with no display or outside storage in view of abutters or the public way, there would be no additional buildings, there would be no more than one home business use on the property, and that a parking space would be left open for customers to pull in and out of the driveway safely with no parking on the side of the street.

Chair Hebert went on to say that there should be no detectable noise or odors, no additional consumption of water, and the operation shall not be detrimental to the character of the neighborhood. Chair Hebert said any change in the operation or conditions could trigger enforcement from the Planning Board or the Board of Selectmen.

Chair Hebert said they would also need to meet Town zoning for a sign before receiving a certificate of approval. Mr. Krebs said they would discuss that further with the Town building inspector.

Board of Selectmen's representative, Bob Blonigan agreed that the Board of Selectmen was responsible for enforcement.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

Mrs. Russell reiterated that she thought the Board should do a site visit before final decision.

Chair Hebert said he thought they should do a quick visit considering a direct abutter that would be most affected had made the request.

Board member, Jim Weiner commented that the garage use seemed simple, and other issues raised were within the purview of agricultural and property use practices, so he didn't think a site visit would accomplish anything. Mr. Weiner went on to say that he didn't think the noise would be any different than someone mowing their yard.

Chair Hebert noted that the white elephant was all the clutter on property that was not in the Planning Board's purview, but he was concerned that the crowded drive could be an issue with customers pulling in and out on Nimble Hill Road. Mr. Daigle said it would be a very small operation.

Mr. Stern made a motion to do a site walk as due diligence considering small motor repairs were not in the list of home businesses. Russ Cooke seconded the motion, and all were in favor.

Chair Hebert suggested that the Board do the site walk at 5 p.m. before the next Planning Board meeting on Monday, September 26, 2022.

Mr. Daigle said they had a wedding to attend on Fox Point on the previous Sunday, so he expected to be busy that Monday. Mr. Daigle said he hadn't planned on starting the business right away, and hadn't set his garage up yet. Mr. Chair Hebert advised that he call Mr. Krebs if that Monday didn't work.

Peter Welch moved to continue the Home Occupation request by Craig and Susan Daigle to operate a small engine repair shop on property located at 62 Nimble Hill Road, Tax Map 12, Lot 3. Ben Johnson seconded the motion, and all were in favor.

II) Preliminary Consultations:

- A) Discussion with 165 Arboretum, LLC**, an affiliate of Two International Group regarding a proposed Manufacturing, Warehouse, and Office building located at 165 Arboretum Drive, **Pease International Tradeport**

Mr. Krebs passed out copies of the Pease Zoning Ordinance to Board members to review before the application was presented next time. Chair Hebert reminded Board members that their role was only advisory in nature for applications to the Pease Development Authority (PDA).

Shawn Tobey, P.E. with Hoyle and Tanner, and Ryan Palmer with Two International Group appeared before the Board to discuss initial plans for new

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

development for Sig Sauer at Pease Tradeport on a new lot created off the airport parcel south of the roundabout that was previously used for laydown and stockpiling.

Mr. Tobey said it would be a one-story building with office in front and manufacturing and storage in the back, totaling 205,000 square feet.

Mr. Tobey said they currently had an existing facility at Pease, and another in Rochester, so they didn't expect traffic to increase very much.

Mr. Tobey said there were wetlands to the south and western sides of the parcel that were delineated in the spring, and that they had designed the development to stay out of the buffers and wetlands.

Mr. Tobey said there were two historic foundations from the Pickering homestead shown on an old map from 1857 that were overgrown, and protected by a 25-foot buffer. Mr. Tobey said they would like to work with Newington's Historic District Commission to put an identifying plaque in, and put a sidewalk in so the public could go past it for appreciation.

Mr. Tobey said they would maintain the existing trees, and provide additional landscaping for screening from the street. Mr. Tobey said there were two abandoned fuel lines running through the center of the site that they would remove, as the Department of Defense had already planned.

Mr. Tobey said they would apply to the New Hampshire Department of Environmental Services (DES) for an Alteration of Terrain permit (AoT), and design treatment to the highest standards before being releasing stormwater to the detainment pond.

Mr. Stern asked if they would disturb the wetlands when removing the fuel lines. Mr. Tobey said they would not, but the Department of Defense might in another area.

Mr. Stern asked how many employees there would be, and Mr. Palmer replied that there would be 200 employees, and although they were still working through the numbers, they were planning on 225 parking spaces.

Mr. Weiner asked if they knew the traffic numbers for the rotary. Michael Mates from Pease Development Authority said VBH was their traffic consultant, and would have a traffic study. Chair Hebert said the Town of Greenland had expressed concern for regional impact, but most of the traffic would get onto the Spaulding Turnpike, Route 16 directly from the rotary, so he didn't think there was any need for a regional impact study.

Chair Hebert said he would like to know what the expectations were for safety inspections and emergency services considering that the facility would be closer to Newington's fire department than to Pease or Portsmouth. Mr. Mates said he would get that information from their general counsel in the legal department.

Town Engineering consultant, Eric Weinrieb, Principal P.E. with Altus Engineering asked what kind of fill went into the site. Mr. Tobey replied that infill was used north to south to bring the corner to bring up to grade. He added that they had

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

done a lot of borings, and test pits to document for structural suitability, anything not used under the building. or parking lot would be bermed in the back.

Mr. Weinrieb asked about speed limits. Mr. Mates said DOT changed the speed limit after the traffic circle came in.

Chair Hebert stated that the Department of Transportation (DOT) had informed the Town that they would not maintain the center of the rotary, and commented that it would not make a good appearance to the entrance of the facility. Mr. Mates said he had talked with DOT, and even though DOT planted it, they didn't maintain it. He said he had observed PDA crew maintaining the area, but they didn't have the manpower to do it more than a couple times a year.

Mr. Stern asked if they had considered hooking to the Newington sewer line where the DOT building. was going. Chair Hebert said he would be concerned with giving up capacity that might be needed for Newington's future development.

Chair Hebert asked if they were in compliance with all PDA ordinances and regulations. Mr. Mates replied that it was the responsibility of their engineering department to review, and to discuss waivers, variances, and wetlands impacts. Chair Hebert asked they would review a variance. Mr. Mates said they would go to the Town for a recommendation to PDA board according to the PDA ordinances.

Mr. Krebs asked what their schedule was, and Mr. Tobey replied that he expected to return in the second half of October, or early November. Mr. Krebs said it might be advisable to send a set of plans to Greenland considering that they suggested there might be a regional impact.

B) Discussion with Torrington Properties to raze an existing restaurant, and redevelop the site with a new restaurant with indoor and outdoor seating, and drive-thru on property located at 2026 Woodbury Avenue, Tax Map 27, Lot 20

Mr. Krebs informed the Board that he had met with Peter Doucette, and Gregg Mikolaities, P.E. to discuss the process of redevelopment.

Mr. Krebs said Newington Park was 3 lots. Mr. Mikolaities stated that Torrington Properties had purchased Newington Park's 14-acre parcel, and they were trying to raze the former Japanese restaurant on the 3.1-acre lot with a 5,000 square foot building, three drive-thru lanes. Mr. Mikolaities said they did a survey, and had a letter of intent from the tenant, but were under a non-disclosure agreement from the tenant until a later date.

Mr. Mikolaities said they needed to shift the existing entrance because it didn't line up properly, and they would need a waiver to widen it. Mr. Mikolaities said they had a traffic study report that they could go through.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

Mr. Mikolaities said they would also need waivers to allow a 24-to-25-foot travel way because of high volume, and a 30-foot lane on the far west lane to get through the drive-thru. Mr. Mikolaities said overall they would reduce the parking from 122 spaces to 95 spaces, and reduce the pavement around the perimeters, however.

Mr. Mikolaities said they would need an AoT for the 135,000 square feet of disturbance.

Mr. Mikolaities said they couldn't get the math to work for center planting islands so they would also ask for a waiver from that requirement, but would enhance the perimeter landscaping. Mr. Mikolaities said they also wanted to keep the parking lot clear of landscape islands so that a 53-foot truck could pull up to the front door for deliveries, and then out the exit.

Mr. Krebs said a long landscape island would work better to cool the parking lot, and wondered if they might place an island north to south where it appeared that there was more room from the setback. Mr. Makolaities said they could probably do that.

Mr. Mikolaities said they would also add sidewalks to connect to the middle and far lot.

Mr. Weinrieb asked about the drive-up. Mr. Mikolaities said there would be two to six employees outside with iPads to take orders, and a triple drive through for pickup to keep vehicles moving through.

Mr. Weinrieb asked if they had communicated with Newington Wastewater Treatment. Mr. Krebs said Operations Manager, Denis Messier had said he was concerned that the existing grease trap be pumped before anything else was done.

Board member, Ben Johnson asked where the stormwater runoff would go. Mr. Krebs said there was a pocket of wetlands on the west side of the lot. Mr. Makolaities said they were just working on layout right now, and hadn't begun working on stormwater yet.

Mr. Mikolaities said it would take approximately four to eight weeks to design, and they were targeting the end of November for review.

Mr. Weinrieb asked who maintained the private right-of-way to the mall. Mr. Doucette said they only took care of their section. Mr. Weinrieb asked if they would step up to maintain the right-o-way if the mall entrance deteriorated would they step up to maintain. Mr. Doucette said they would maintain the entrance to get to their three properties.

Mr. Weinrieb recalled that DOT was not willing to put in a pedestrian crossing from Piscataqua Drive to the mall entrance before they turned Woodbury Avenue over to the Town. Mr. Weinrieb said there was potential for Wilcox Industries to contribute to the sidewalk that would also tie into the sidewalk from the future hotel, and suggested that this development consider keep that in mind as well.

Chair Hebert suggested that they look into the \$25,000 was put into escrow for Woodbury Avenue. Chair Hebert said they also discussed opening a connection like a footbridge between the restaurant and the Crossings.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

III) Other Business and Discussions:

A) Discussion with Best Buy regarding customer pickup at their Crossings Mall location off Woodbury Avenue

Mr. Krebs said this item was not on the agenda, but the project had been in the works for six months to have lockers for customer pick up at the front of Best Buy at the Crossings Mall to the right of their front door. Mr. Krebs said appliances and big screen tv's pickups were already occurring, but there was concern with blocking the fire lane in front of the store.

Best Buy representative, Suzanne Gregorian passed out exhibits showing the lockers and sliding doors as used at some of their other stores. Ms. Gregorian said the orders would be filled from inside of store, and customers would pick up their purchases from the locker using a code from the app. Ms. Gregorian said the sliding doors were to allow employees to bring larger products from the warehouse.

Ms. Gregorian said the app would show customers where to park while waiting for notification that their item was ready for pick up. Ms. Gregorian said the intent was actually to minimize parking in fire lane.

Chair Hebert added that this would allow pickups after hours as well. Ms. Gregorian said this would increase revenue after hours as well.

Mr. Weiner said his only concern was that some customers would wait in front of the store. Ms. Gregorian responded that there would be signs posted directing customers to their parking spaces, and security was onsite to ensure that customers would not stop.

Chair Hebert said he talked to the fire chief who said he was not in favor of any parking in the fire lane. Chair Hebert asked that the wording for the fire lane be upgraded and maintained to say no parking allowed in the fire lane.

Ms. Gregorian said lighting around walkers would be added for safety, and cameras. Ms. Gregorian said they would remove 40 to 50 square feet of landscaping in front of the building for pavement to accommodate lockers, but the two trees in front wouldn't be impacted.

Ms. Gregorian said they would put together a fully dimensioned site plan, but she was sure if it could be done in two weeks. Mr. Krebs said they also needed to put together a list of abutters for notification with the application.

Mr. Weinrieb suggested that the Board establish a process for amended site plans. Mr. Krebs said he was fine with a site amendment. Chair Hebert said the Board should give it some thought to be sure it was done right.

(Mr. Weinrieb left at this point in the meeting at 8 p.m.)

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, September 12, 2022

B) Planning Board Budget

Chair Hebert said he kept the budget the same as the previous year.

Chair Hebert said although the Board didn't have meetings over the summer, he knew the mall would be redeveloped, and eventually they wouldn't be able to continue with a part-time planner, as he wasn't sure that Board members could continue to pick up the slack of tasks the former full-time planner had done.

Chair Hebert said he wanted to be sure the Town was up to date with their ordinances, and that applicants were compliant with the Ordinance. Chair Hebert said he had talked with Mr. Krebs regarding a potential salary change.

Mr. Krebs said he was comfortable taking \$7,000 instead of \$10,000 for doing the CIP, and returning the unused encumbered amount back to the General fund.

Rick Stern moved to approve the 2023 Planning Board budget for \$171,865. Jim Weiner seconded the motion, and all were in favor.

C) Capital Improvements Program

Mr. Krebs passed out the final draft of the CIP for signature.

Minutes: *Peter Welch moved to approve the Minutes for the July 25, 2022, meeting with corrections as noted. Ben Johnson seconded, and the motion passed with Russ Cooke abstaining.*

Adjournment: *Rick Stern moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 8:19 p.m.*

Next Meeting: Monday, September 26, 2022

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

These Minutes were approved and adopted by the Planning Board at their October 24, 2022, meeting.