

**Town of Newington, NH**  
**PLANNING BOARD**

Meeting Minutes, Monday, April 25, 2016

**Call to Order:** Chair Denis Hebert called the April 25, 2016 meeting at 6:30 p.m.

**Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Bernie Christopher; Jack Pare; Mark Phillips; Jim Weiner; Alternate Member: Ken Latchaw; Board of Selectmen Representative, Cosmas Iocovazzi; Interim Planner, Gerald Coogan and Jane Kendall, Recorder

*Chair Hebert announced that he would hear Interim Planner, Gerald Coogan's report before the first two items on the agenda so Mr. Coogan, who lived over an hour away could leave before the end of the meeting.*

**3) Report** by Interim Planner:

Mr. Coogan reported that he attended the Conservation Commission meeting on April 14, 2016. He said Sarah Allen with Normandeau Environmental, representing the Seacoast Reliability Project was on the Commission's agenda during the first week of May.

Mr. Coogan said he was interested in climate change and the impact on seacoast communities and recently attended a Climate Change and Rising Sea Level workshop put on by the Rockingham Planning Commission (RPC). He said the workshop was informative and also might lead to other grants. He added that he wouldn't be able to attend every planning community meeting, but Chair Hebert had asked him to attend this meeting.

Mr. Coogan said the Town could look at recommendations made by the Storm Water Center at the University of New Hampshire. He said they could also prepare maps that included all the culverts and other areas that might be available in storm events.

Mr. Coogan informed the Board that he was working on incorporating the changes made to the Zoning Ordinance and would have them put up on the Town website and make copies available to Board members in the next month. He said he

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was also working with Building Inspector, John Stowell on zoning, adding that Mr. Stowell was responsible for sending out code enforcement letters.

Mr. Coogan said the Board of Selectmen thought of sending out a repeal of the Zoning Board of Adjustment's variance for Stoneface Brewery, but decided not to.

Mr. Coogan said Superior Towing was another zoning violation issue where they were running business and parking multiple trucks at their home, so they were sent a cease and desist letter. He said he met with the owner and they discussed the possibility of an appeal or a variance.

Chair Hebert said they had moved from one business location on River Road where they were living to another location and now they were operating their business out of their home again. He said when the State updated Woodbury Avenue, they removed some of the pavement on the dead end street and now there was even less room to park and turn the trucks.

Mr. Coogan said the subdivision on Fabyan Point had been conditionally approved with nineteen conditions and he was somewhat concerned that the developer fully understand the conditions before flipping the property so they complied with the conditions. He said he was working on a development agreement that would be recorded at Rockingham Registry of Deeds and would work with Town engineering consultant, Eric Weinrieb with Altus Engineering as well.

Chair Hebert commented that the project was more complicated and expensive than the applicant may have realized. Mr. Coogan added that the Town's costs associated for his work and work done by Mr. Stowell, the Building Inspector and Town counsel, Attorney John Ratigan could be billed to the applicant.

Board of Selectmen representative, Cosmas Iocovazzi said it had been brought to his attention last week that the plan for sufficient water availability for the Fire Department had not been finalized. Chair Hebert replied that the condition was that the applicant was supposed to design and build a parking area in front of the dam at Kennard Pond, but he had heard that the Fire Department had changed their process of bringing water in from their new tanker.

Chair Hebert went on to say that the Fire Department went on record that the water pressure in South Newington was marginal and needed updating. He said they could put a 5,000 to 10,000-gallon tower up, similar to the one in Durham, which could be cheaper than running new water lines. Mr. Iocovazzi replied that the waterline belonged to the City of Portsmouth and Newington could not install a water tower using their lines and risk blowing the water lines.

Board member, Jim Weiner asked why water lines in town had blown on four different occasions recently and Mr. Iocovazzi said the Town was discussing the issue with Portsmouth Public Works.

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Chair Hebert said improving the lines was in the Master Plan and Portsmouth Water Department needed to act on it because it could be a safety issue for the residents.

Mr. Iocovazzi commented that Kennard Pond had been designed as a water source for the Fire Department. Chair Hebert expressed concern that it could take ten to twenty minutes to fill the tanker, so he thought the best thing would be to put in new lines. Mr. Iocovazzi replied that even if the water lines were replaced, the water lines dead-ended at the last house on McIntyre Road, which limited the water flow so it would still be best to use Kennard Pond. He said they still needed to consider a contingency if the Fabyan Point development didn't go through with the condition to design and build the parking area near the pond.

Chair Hebert commented that the Sharon Alley subdivision plans had never been signed because they were required to work with Portsmouth Public Works to put in a connection, but it had not yet been resolved.

Mr. Coogan summed up his report by saying his role was to assist the Planning Board, the Conservation Commission, which was meeting on May 5, 2016 and the ZBA, which was scheduled to meet on May 9, 2016.

Chair Hebert said there had been an oversight in scheduling the ZBA meeting on the second Monday of the month, which was usually reserved for Planning Board meetings. Mr. Coogan said the ZBA meeting would be a short meeting. Chair Hebert suggested the Planning Board meet half an hour later at 7 p.m. et legal notice in paper.

### **Discussions:**

Mr. Weiner commented that a number of properties were in current use and he wanted to be that the current use tax would go into the Conservation Fund since some property owners had been granted abatements after their lots had been subdivided out of current use and sold. Chair Hebert replied that the tax collector followed those properties and abatement waivers have to be granted by the Board of Selectmen. Board member, Mark Phillips asked why the Selectmen would grant an abatement and Chair Hebert said some people were granted their requests, but he didn't think there should be exceptions for a select few.

Chair Hebert said he recently spoke with Rad Nichols Executive Director with COAST bus lines about the Town holding last year's rate, rather than the recommended increase. He said COAST had asked for an increase even though fuel costs went down. Mr. Nichols told him the Federal Government had matching fund requirements and Chair suggested COAST become self-sufficient from the Federal Government and re-connect to UNH Wildcat Transport like they were before.

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Board member, Jack Pare asked why the Town was waiving on the MS4 program that was good until 2022. Mr. Coogan said communities with populations under 1,000K could request waiver and they were requesting the waiver because the Town didn't have a plan for them. Chair Hebert added that they needed to determine whether to hire someone to do a new plan.

Mr. Locovazzi said detention ponds were helpful in keeping the Town's rating clean and they encouraged engineers to keep drainage above ground, which was easier to clean. He went on to say that would be more challenging once the Town took over Woodbury Avenue since there was a lot of underground drainage.

Chair Hebert said he had discussed paying Jane Kendall an accelerated rate for assisting Mr. Coogan with Planning Department procedure during the changeover with change over. He said he had the authority to make the decision, but wanted to be sure the Board was in agreement.

*Jim Weiner made a motion to increase Jane Kendall's rate of pay from \$18 to \$30 for administrative assistance. Bernie Christopher seconded the motion and all were in favor.*

Chair Hebert reviewed the current status of Eversource's Seacoast Reliability project. He said Eversource submitted that they would put poles right near the old skating pond, but he and the Board of Selectmen would like to move them back 100 yards and do an easement swap.

Chair Hebert said the Board of Selectmen would be looking at the Flynn Pit skating pond and to clarify if it was a vernal pool, which would affect them going through it. He said Eversource might only agree to putting the poles around the pond and he agreed with the Board of Selectmen that an easement would help retain the vernal pond. He said the Board of Selectmen would be conducting a public hearing on May 16 and May 31, 2016. Mr. Locovazzi said the public hearing was posted as a swap and they would need to discuss it further if they wanted an easement.

Chair Hebert went on to say Eversource had requested waivers, but legal objections were submitted because of inconsistencies in the filing for archeological, historic and wetlands studies. Mr. Locovazzi said they also objected with the laying of the lines.

Chair Hebert said Eversource still needed to resolve line issues through the Frink property on Nimble Hill Road and another property owner on Gundalow Landing. He said the Town was still fighting to put the lines underground from Little Bay to behind Town Hall.

Mr. Locovazzi Lulu Pickering of Little Bay Road wanted to see the criteria outlined in the letter of denial from Great Bay Wildlife Refuge, adding that he was not sure if the Pickering family wanted the lines to go above or below ground through their property.

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Chair Hebert said the State had issued a vote that the Pickering property was eligible to be on the National Historic Register, which might influence Eversource's decision, but it wouldn't matter if the property owner was interested in future development.

#### 4) **Discussion:** Planning Board 2016 Work Program

Mr. Coogan referred to his recent memo of suggested topics. He noted that State legislation regarding accessory dwelling would go into effect in December 2017, which was similar to the Town's regulations, but the Board might want to look at it again. He said they also might want to look at their site review and zoning as well.

Mr. Coogan said Town engineering consultant, Mark West of West Engineering had done their wetlands overlay ten years ago, but it might be good to have him look at it again. Mr. Weiner asked if it would come out of the Planning budgets as the Conservation Commission had not budgeted for that work. Mr. Coogan replied that it would.

Chair Hebert asked if the Town had Mr. West's wetlands study on the Flynn pit and Mr. Coogan said they did.

Mr. Coogan said a preliminary list of possible conservation easement sites in town had been done and he would assist the Commission with identify projects so that projects would be ready should funding become available. Vice-Chair Cross commented that a sub-committee had put the preliminary list together fifteen years ago and there had been push back from those that didn't want properties earmarked for easements without owners' consent.

Mr. Coogan said the 2010 the Master Plan listed certain properties and suggested going through the list to determine the current consensus. Vice-Chair Cross asked if the list was in conjunction with the wetlands overlay and Mr. Coogan replied that it was.

Mr. Coogan said he was working with Rockingham Planning Commission to get the ten-year highway plan, sea rise planning and GIS mapping. Vice-Chair Cross said RPC could supply maps upon request during projects and there would be no need for software.

Mr. Iocovazzi asked if RPC could do a count on the amount of cut through traffic McIntyre Road. Vice-Chair Cross suggested they do an hourly count of the traffic so the Planning Board could then determine what needed to be done. Chair Hebert commented that the Master Plan listed proposals to address the traffic cutting through town.

Mr. Weiner suggested speed reduction and enforcement. Chair Hebert said there would be little if any financial return for the cost of enforcement and court dates with tickets that were contested. Mr. Weiner replied that the payoff would be that many

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drivers slow down upon seeing police. Chair Hebert said the Town would need their own court to administer the fines.

Additional discussion ensued regarding Capital Improvements Program (CIP) administration. Chair Hebert commented that department heads had brought their proposals to the Town planner and onto the Planning Board to oversee in the past, but noted that other towns had their department heads oversee their own capital improvements and wondered if it was necessary. Chair Hebert said the CIP had been ignored in the Master Plan, but it had been done three times to his knowledge. Mr. Coogan said the CIP was only advisory.

Chair Hebert stated that they didn't need to update the entire Master Plan, but should at least update the housing chapter and the vision statement in the Master Plan. He invited members to contribute suggestions as well.

Vice-Chair Cross said he would like to see the tax maps updated because there were inconsistencies and some property dimensions had been in error for decades. Chair Hebert replied that the Town could not survey the entire town, but they could correct what could be shown to be an error. Vice-Chair Cross said he had given the previous Town Planner a list of properties to update, but it had not been done. He suggested looking at the files, and comparing to lot lines.

Mr. Iocovazzi stated that the tax maps had just been updated. Chair Hebert asked Vice-Chair Cross to give his list to Mr. Coogan to update. Mr. Coogan asked who took the Mylar and updated the tax maps once they were recorded at Rockingham County Registry. Mr. Pare said Meridien Land Services from Amherst, New Hampshire prepared the tax maps.

Mr. Latchaw commented that Unitil's heater unit where the I-16, Spaulding Turnpike Exit 4 entered Nimble Hill Road was very unattractive for the entrance of the town and should be addressed. Chair Hebert said the problem was that Unitil had to be a willing participant.

Vice-Chair Cross asked about bike or walking trails. Mr. Iocovazzi said many roads only went from one edge of hot top to the other edge and bike and walking paths would require additional easements from property owners. Chair Hebert said he thought it would be more efficient to extend roads for ease of maintenance and plowing. Mr. Pare said bike paths were already in the transportation section of the Master Plan, but they could consider updating the phrasing.

Mr. Iocovazzi commented that the City of Portsmouth and Portsmouth Housing Authority was working on updating Gosling Road. Mr. Coogan said he attended a meeting last summer, but he hadn't heard anything more since. Chair Hebert said Woodbury Avenue and Gosling Road should be updated in the Master Plan.

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Mr. Phillips said ownership of Gosling Road was split in two between Newington and Portsmouth, but the suggested improvements were for Gosling Meadows and he didn't see why Newington should contribute. Chair Hebert replied that the cost of improvements would be paid from a Housing Authority grant.

Mr. Iocovazzi stated that the major reason for Shattuck Way was to avoid tanker traffic on Woodbury Avenue. He said the continuation of Shattuck Way onto Wilcox Way would be an important selling point once the power plant was sold. Chair Hebert noted that Wilcox Industries was contributing to the cost of Wilcox Way and was only asking the Town to pay for the pavement. He suggested that developers that purchased the power plant property could also assist with continuation of Wilcox Way to Gosling Road as recommended in the Master Plan.

Chair Hebert said that he and Mr. Coogan recently met David Price with the Department of Environmental Services (DES) to discuss wetlands impact from Wilcox Way. He said the cost of mitigation was now up to \$151,000 which would go to the DES to determine where it would be spent. He said he would like to see the mitigation kept in town.

Vice-Chair Cross commented that newer shopping options in Rochester were resulting in fewer shoppers to the Newington malls and thought it would be important to review future options for the malls. Chair Hebert said he had invited the tax assessor, who knew the owner of the Fox Run Mall to talk with the Planning Board about future uses for the malls.

Chair Hebert stated that the Town had hired Mr. Coogan for fifteen hours a week on an interim basis. He said there would be an initial learning curve and then he would have more time to address these items, but he wouldn't be able to get it all done in his allotted time frame, but he could put more time in if it was urgent.

Mr. Weiner said he thought it would be good if Mr. Coogan was available for other boards and copy them on Planning activities to keep them all informed.

### 1) **Election of Planning Board Officers:** last.

*Bernie Christopher made a motion to re-elect Denis Hebert as Planning Board Chair and Chris Cross as Vice-Chair. Jack Pare seconded the motion and all were in favor.*

Chair Hebert informed the Board that he was now retired from the military and would like to do some traveling for a few weeks here or there so he would need Vice-Chair Cross to run the meetings periodically.

Chair Hebert asked the Board if they still wanted Jim Weiner to serve as Planning Board representative for the Zoning Board of Adjustment.

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*Jack Pare made a motion to re-elect Jim Weiner as Planning Board representative to the Zoning Board of Adjustment. Bernie Christopher seconded the motion and all were in favor.*

Mr. Iocovazzi asked who Mr. Weiner's alternate would be if he could not make one of the ZBA meetings and Vice-Chair Cross volunteered to be an alternate.

*Jim Weiner made a motion to have Chris Cross be an alternate Planning Board representative to the Zoning Board of Adjustment. Mark Phillips seconded the motion and all were in favor.*

**2) Appointments: Alternate Board Member:**

Chair Hebert said he had received a letter of interest from Darin Sabine, but he had some concerns with a conflict of interest because Eversource had also sent a letter asking who Mr. Sabine was because he had put a bid in to do work for Eversource. Mr. Iocovazzi said he did excavation for Eversource himself and Mr. Sabine had a trucking rental company in Meredith and he didn't any see conflict. He said Mr. Sabine was also a fire engineer and sitting on the Planning Board could open up some cross awareness between the Fire Department and the other boards.

Chair Hebert acknowledged that the Board needed to open up to new and younger members to remain vital. He suggested inviting Mr. Sabine to be sure he would be comfortable.

**Minutes:** *Jack Pare made a motion to approve the Minutes for the March 28, 2016 meeting with corrections as noted. Jim Weiner seconded the motion and all were in favor.*

**Adjournment:** *Cosmas Iocovazzi made a motion to adjourn and Bernie Christopher seconded. All were in favor and the meeting adjourned at 8 p.m.*

**Next Meeting:** Monday, May 9, 2016, tentatively at 7 p.m. following the ZBA meeting.

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

These minutes were approved and adopted by the Board at their May 9, 2016 meeting.