

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, June 13, 2016

- Call to Order:** Chair Denis Hebert called the June 13, 2016 meeting at 6:30 p.m. and the pledge of allegiance followed.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Bernie Christopher; Jack Pare; Mark Phillips; Jim Weiner; Board of Selectmen's Representative, Cosmas Iocovozzi; Interim Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Alternate Member, Ken Latchaw
- Public Guests:** Matthew Cardin; Ben Johnson; John Lorden with MSC Engineers; Ken Anderson with Riverside Pickering Marine

### 1) **Curb Cut Application** by Matthew Cardin of 30 Old Post Road, Tax Map 10, Lot 15

The applicant, Matthew Cardin provided the Board with his site plan, showing both curb cuts. He said the old drive was for the former house that had been demolished, and the new drive was to accommodate the relocation and layout of the new house and garage and for improved line of sight. He said he was removing the old oak by the drive for improved visibility.

Chair Hebert asked if the new curb cut met all the setbacks and Mr. Cardin said it did, commenting that the abutting property had their drive on the property line.

Chair Hebert commented that swales along roads usually required drainage pipe under driveways unless there was a good reason not to do so. Mr. Cardin replied that he had no plans to do so because there was an increase in elevation from the road to the property that would require him to ditch along the road, but then he couldn't do anything more when he got to the abutting properties.

Board of Selectmen's Representative, Cosmas Iocovozzi asked if the road agent had looked at the area yet. Chair Hebert said he hadn't and he didn't see the need unless a swale was installed for water flow. He informed Mr. Cardin that the Town would then have to cut the driveway and he would need to install a culvert if they did so.

Vice-Chair Cross commented that another concern would be with water flow freezing on the public road. He suggested leveling off the bottom of the driveway would reduce the flow. Chair Hebert added that should be a condition of approval and the applicant would need to address the issue if water flowed onto the road.

*Jim Weiner moved to approve Matthew Cardin's curb cut application for 30 Old Post Road, Tax Map 10, Lot 15 with the condition that he would level the bottom of the*

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

Meeting Minutes, Monday, June 13, 2016

*driveway so water would not flow onto the road, and that he would install a culvert if the Town put swales along the road in the future. Chris Cross seconded the motion.*

Mr. Iocovozzi asked if the Town would pay for the culvert and Chair Hebert said applicants paid for the culverts under their drives, but the Town would pay for the swale.

*Chair Hebert moved the motion and all were in favor.*

2) **Request** to move guy pole by Matthew Cardin of 30 Old Post Road, Tax Map 10, Lot 15

The applicant, Matthew Cardin stated that he originally intended connect to the nearest utility pole by boring under the road, but working Eversource didn't want to put a transformer on the existing pole so he would

need to install a new utility pole. He said Eversource determined that they would replace the pole anyhow as part of future redevelopment and would also install a stub pole across the road as guy wire stabilization because the current guy wire was slack.

Vice-Chair Cross asked if Eversource indicated how far off the road the stabilizing pole would be and Mr. Cardin replied that it would be three to four feet off the edge of the pavement.

Vice-Chair Cross informed Mr. Cardin that Everource would eventually expect all trees to be cut within a 20' radius of the pole.

*Jim Weiner moved to approve Matthew Cardin's request to move a guy pole from his property on 30 Old Post Road, Tax Map 10, Lot 15 as recommended by Eversource. Bernie Christopher seconded the motion and in favor.*

3) **Request** to by Ben Johnson to relocate Eversource pole for Fabyan Point Subdivision at 34 Fabyan Point Road, Tax Map 47, Lots 5, 6 and 7

Ben Johnson appeared before the Board and stated that he had recently purchased the property from Jarrad Savinelli.

Mr. Johnson said all his contractors and Everource recommended that they run the power lines from across Newington Road to Fabyan Point rather than run the lines underground according to the subdivision conditions of approval. He said they would need permission from the Department of Transportation (DOT) to go underground because Newington Road was a State road and Eversource didn't want to go underground.

Chair Hebert commented that the utilities needed to remain on the Town right of way and could not be on private property because there was no easement for utilities to cross. He also recommended that the utilities bed off the side of the road because of compaction.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, June 13, 2016

Chair Hebert said he had also heard the neighbor whose property they were proposing to go across was sent a notice and didn't like the plan that would require wires to run across his front yard. Vice-Chair Cross added that Eversource planned on cutting every tree within a 20 to 25-foot radius of the lines.

Mr. Johnson said he needed the plans to be approved by Eversource. He presented an email from DOT. Board member, Jim Weiner replied that the email said they would accept the lines going overhead, but it did not say they could not go underground and the email from Eversource said the same thing.

Board member, Jack Pare said the Board needed to determine if they were going to follow through with the regulation or abandon the policy. He said this case would be better to proceed as approved under the road because poles were forever. He said this proposal was not for a single house, but a neighborhood. Chair Hebert agreed that the Board had accepted a couple of above ground utility connections for single family homes, but they had also agreed that it made sense for utilities to go underground for developments. He said unless there were extenuating circumstances, he didn't see that here except he understood that it was more expensive to put underground and people would push back, but they had to draw the line somewhere. He also added that the neighbor would have a lot of wires over their property if they allowed the lines to go above ground.

Mr. Weiner agreed that the Board should uphold their original decision even if it didn't impact the neighbor, unless they threw the entire ruling out window. Board member, Bernie Christopher also agreed that they should uphold the regulation and added that he wouldn't want more poles in his front yard.

Board member, Mark Phillips said he thought the regulations were established for virgin properties, but poles and several wires were already going across the road because of the location. Mr. Christopher said it was not virgin ground and Chair Hebert said virgin ground was never discussed.

Discussion ensued regarding the existing poles and conduits on the lots. Vice-Chair Cross said this proposal would add another pole on the other side of the street. Chair Hebert said all poles coming down Fabyan Point would go away.

Mr. Locovozzi thought it would be easier to repair the lines if they were above ground. Chair Hebert said if the conduits were done properly they would last forever so long as they weren't overstressed.

Vice-Chair Cross commented that Newington Road would be torn up when they put another valve in for the hydrant.

*Chris Cross moved to deny the request by Ben Johnson to relocate the Eversource pole for Fabyan Point Subdivision at 34 Fabyan Point Road, Tax Map 47, Lots 5, 6 and 7. Jack Pare seconded the motion. The motion to deny passed 4-2 with Cosmas Locovozzi and Mark Phillips opposing.*

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, June 13, 2016

Board member, Bernie Christopher said he felt for the applicant, but the proposal had already been approved with conditions. Chair Hebert agreed that they couldn't second guess all their decisions after the fact.

#### 4) **Preliminary Consultation:** by John Lorden, P.E., MSC Engineering regarding Riverside Companies, Tax Map 19, Lot 9

Chair Hebert noted that this item was added to the revised agenda at the last minute.

Chair Hebert said the current property owner had subdivided the lot last year, but the Board had rejected a request for a curb cut onto Shattuck Way.

John Lorden with MSC Engineers and Ken Anderson, co-owner of Riverside and Pickering Marine appeared before the Board. Mr. Anderson said they had requested a permit to construct a pier off the Piscataqua River several years ago. He said their office was currently located in Portsmouth, but they had been looking for another property in town where they could establish an office, laydown and maintenance area in Newington, closer to the pier.

Mr. Lorden said there were two vacant lots on the Beane Farm property that combined to 4.5 acres and a shared private driveway at the back of the property that connected to River Road. He said the lot had several easements, a cathartic protection easement for the gas lines, a drainage easement, and an easement for Eversource. Mr. Pare the cathartic easement contained a large grounding grid connected to the pipe. Mr. Lorden added that they would not be allowed to park or build on the cathartic easement that was about 30' wide. Mr. Locovozzi asked how they would block off the cathartic easement so no one would drive on it and Mr. Anderson said they couldn't build anything on it.

Mr. Lorden said they were proposing to use the River Road access for employees as well as box truck deliveries twice a week and they needed to determine if they would need to widen the 18-foot private drive to 24 feet. He said they were hoping to keep as many of the existing evergreens along the private road to obscure laydown area.

Mr. Lorden said in March 2015 the Board approved the subdivision and made it a condition that they could not have a curb cut on Shattuck Way because of safety concerns with a large public assembly exiting on the industrial corridor, but he believed they would reconsider the condition if another proposal appeared. He said they wanted to create an access to and from Shattuck Way for their larger trucks.

Mr. Lorden said they were looking for phase development with the laydown area surrounded by a chain link fence and then an office building and the parking lot.

Mr. Pare recalled Vice-Chair Cross' suggestion for a right in and right out from Woodbury Avenue during the preliminary discussions for a previous proposal so that traffic could flow through the property and to avoid the safety issue of trucks

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, June 13, 2016

encountering other industrial trucks coming down a steep grade on a curb cut coming onto Shattuck Way. Mr. Locovozzi commented that Shattuck Way was built for industrial traffic.

Mr. Anderson replied that the parcel would also be used as a maintenance facility for their equipment and there would be 300,000 pound excavators coming in on six to seven trucks and they would prefer keeping their trucks on the truck traffic corridor. He added that they were not looking to develop the remaining parcel and to do so would be a large expense to develop because it was not the most suitable lot. He added that he didn't think it would be as safe for the type of trucks they used.

Mr. Anderson said the only other access would be in and out of the private drive off River Road access and then they would have to take trees down to widen the road and cut the curbs back because he didn't think trucks could make that corner.

Mr. Pare replied that he understood his point, but he would have to remove a lot of terrain from a 30-foot drop in order to start the slope back at the laydown area to avoid the momentum issues of coming onto Shattuck Way. said discussed before regarding lighter vehicles, understand his pt. would have to remove a lot of dirt to start slope way back in laydown yard so would come at angle so not momentum issues going onto Shattuck. Mr. Anderson agreed that they would need to engineer a plan.

Vice-Chair Cross acknowledged that this parcel was near the mixed use waterfront and industrial zone and Shattuck Way that was built for truck traffic, but that would include gypsum and propane delivery trucks and he was concerned those trucks would be slowed when encountering their exiting trucks and then have to reaccelerate to get up the hill. Mr. Locovozzi commented that the speed limit was 35 mph and that truck drivers needed to understand that they were sharing the road with other businesses. Chair Hebert replied that he thought that the hill compounded traffic concerns and he was not convinced that a curb cut with slopes was a good solution. Vice-Chair Cross agreed that visibility could be a problem for vehicles coming over the crest.

Mr. Locovozzi said the applicant was present to discuss their ideas and the Board should not design the applicant's proposal. He suggested they wait for the applicant to present an engineered plan before deciding whether the curb cut on Shattuck Way would work or not. Vice-Chair Cross replied that they should continue the discussion before expending engineering costs.

Vice-Chair Cross suggested changing the angle of the office building and laydown area and consider access onto River Road from a round cul-de-sac for area for turning in and out of laydown area. Mr. Anderson replied that they had considered various placements, but there was a sewer line there. Chair Hebert suggested it might be smaller than they thought and it might be cheaper than other work arounds. Mr. Anderson said they also looked at all the options because they were aware of the Board's concerns with a curb cut Shattuck Way. He said they were also concerned with

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, June 13, 2016

anyone coming around the corner of River Road. Mr. Iocovozzi suggested entering and exiting the entire length of River Road instead of the nearest exit.

Mr. Anderson asked if River road was designed to take trucks with heavy loads. Vice-Chair Cross said he was confident that River Road was built well just as they were able to drive on Shaftmaster. Mr. Anderson stated that Shaftmaster was designed to withstand loaded trucks for the power plant.

Mr. Anderson said he was also concerned with vehicles being t-boned coming around the corner of River Road and thought they would have a better line of site on Shattuck Way. Mr. Iocovozzi said could place a blinking light on the high end to slow cars down. Chair Hebert said he was still not sure if there would be sufficient line of sight from the crest of the hill. He said they also needed to be sure that ice didn't drain onto Shattuck way. Mr. Phillips said it would be good to see some topography on the proposed curb cut on Shattuck way and a template on how trucks would enter.

Mr. Anderson added that there would be a lot of expense associated with widening the private road. Chair Hebert said cutting into the hill for a curb cut onto Shattuck Way would be expensive too, but they were just throwing ideas out.

Chair Hebert asked what was across the street from the proposed from curb cut on Shattuck Way and Mr. Anderson said it was a parking area that was blocked off. Chair Hebert said that was the staging area that the Town required for propane trucks to cue up.

Interim Planner, Gerald Coogan commented that the medical office also wanted to expand their use. Mr. Anderson replied how much that would increase traffic on the private way was also another consideration. Mr. Weiner commented that few patients knew there was a back entrance.

Chair Hebert said light manufacturing was allowed in the Office Zone, but this sounded like a lot heavier. Mr. Anderson said they built docks, and needed to maintain their cables, engines, tracks and other support equipment every few years. Mr. Anderson said lumber or steel would come in on a tractor trailer, be built in the shop, loaded onto a 30-foot flat bed and brought down to the pier and then Portsmouth harbor. Mr. Pare said floating piers could be considered light manufacturing, but an excavator would require an exception. Mr. Anderson said the excavator was not for manufacturing, but for maintenance.

Mr. Iocovozzi commented that the Town of Newington used Riverside and Pickering Marine for their docks.

Mr. Anderson stated that they ran a clean and organized operation, not a junk yard. Chair Hebert replied that he believed they did, but he just wanted to be sure there would not be heavy manufacturing and the use would fit in this zone because four truck docks was a lot. He said he was also concerned for any operation that might follow. He said the Town was pro-business, but there was zoning for heavier industrial use across the street and he was concerned with manufacturing noise and disturbance to the Office Zone neighbors.

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, June 13, 2016

Mr. Weiner asked how tall the surrounding fence would be to conceal their manufacturing operations from the abutting office complex. Mr. Anderson replied that he imagined that they would install a 10 to 15-foot slatted fence and leave as much of the existing greenery as possible, but he wouldn't know for certain until the design was finalized. Chair Hebert commented that he thought slatted fences gave the impression of hiding something unattractive and suggested beautifying the area with tree plantings. Mr. Locovozzi said it could also help as a sound barrier.

Mr. Christopher asked how many employees his operation had and Mr. Anderson replied that there were between 15-28 workers between the pier and their Portsmouth location depending on the seasonal work, comprised of carpenters, equipment operators, mechanics, skilled tradesmen, truck drivers, and about ten office workers in operation from 6:30 a.m. to 6:30 p.m.

Chair Hebert asked what kind of noise generated and Mr. Anderson said they would run chop saws and screw guns inside the shop. Chair Hebert asked about truck repairs and Mr. Anderson said those would usually be done inside for the most part. Chair Hebert asked that they commit to doing the work inside and Mr. Anderson said he would present the request to his other two partners. Mr. Locovozzi said will need to work outside when welding sometimes.

Mr. Christopher asked if their facility in Portsmouth was run similar to this proposal and Mr. Anderson said it was similar, but they were proposing a much larger operation at the Beane Farm parcel. He suggested that Board members visit the Portsmouth site to get a sense of how the operation was run.

### 5) **Status Report:** by Interim Town Planner, Gerald Coogan

Mr. Coogan reviewed the projects he has been working on for the Board.

Mr. Coogan said there was no new information on the DiLorenzo development project on Woodbury Avenue, but noted that they would need variance for car dealer use.

Mr. Coogan stated that Alicia Busconi, Vice-President of KeyPoint Management for the Crossings Mall spent a day looking at back records to see how the satellite buildings were approved. He said she was putting together a case for the Board or they would have to go before the Zoning Board of Adjustment (ZBA).

Chair Hebert commented that Ms. Busconi was willing to work with the Town. He said it was thought that they went before the Board for subdivisions but they were never filed so they might need to fix what was not covered.

Chair Hebert said the Crossings was being impacted by Eversource's old right of way.

He said they also discussed the abutting Fox Run Mall, who was also considering expanding on both ends and adding exterior businesses. He said many malls in the country were in trouble and closing. He suggested they consider various

# Town of Newington, NH

## PLANNING BOARD

Meeting Minutes, Monday, June 13, 2016

possibilities, including elderly housing on the second floor and do a master plan of the entire site.

Mr. Coogan said retail was remaining competitive in the Seacoast area, but they weren't sure what was going to happen so they were trying to stay on top of the situation.

Mr. Coogan said he was putting together a new land use book that included procedures for the Board. Chair Hebert said the books would have Board member names on them, but the Town would want them back when they left their positions.

Mr. Coogan said he was updating the subdivision regulations and expected to have a draft for the Board in a month.

Mr. Coogan said there would be several items on the ZBA meeting agenda the following week, including an appeal by Shogun Restaurant and Superior Towing.

Mr. Coogan informed the Board that Stoneface Brewing submitted an application to expand their operation to include a restaurant and would return for a site plan review on Monday, June 27, 2016.

Mr. Locovozzi said the issue of the Town not approving their liquor license had not been cleared up. Chair Hebert said the State had admitted their error in sending the permit request to the City of Portsmouth.

Mr. Coogan said that Dennet Farms at the Former Beane Estate had sold two units and planned on continuing to work on the back units, but they had some problems with landscaping that they needed to resolve.

### **6) Other Business and Discussions:**

Chair Hebert said he met with Eversource regarding pole replacements that would be 4 to 10 feet taller in their transmission expansion project. He said their site evaluation had been accepted by the State as substantially complete.

Vice-Chair Cross asked if the original submission was with no lines underground. Chair Hebert said it was except for Gundalow Landing which they were trying to move from the middle of the road.

Chair Hebert said the Frinks were working with Rockingham County Conservation District, which he thought was a good strategy to use the assistance of a government agency.

Mr. Locovozzi said the Board of Selectmen had signed off on the easement for the Flynn pit.

Mr. Pare said he spoke with Mr. Coogan earlier in the week regarding a highway overlay district at the on and off exits from the Spaulding Turnpike that would allow convenience stores, gas stations, and restaurants. He said then the Axel-Johnson Conference Center and the old railroad depot could be converted to something else. He said a lot of office spaces weren't being moved and this could open up possibilities.

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

Meeting Minutes, Monday, June 13, 2016

Chair Hebert said this was the same subject that Vice-Chair Cross suggested and Mr. Pare agreed that it was part of the same conversation.

Vice-Chair Cross announced that Rockingham County Planning (RCP) had two open slots and his appointment had expired and he needed to be reappointed. Chair Hebert said he needed to give a letter to Martha Roy, Town Administrator.

*Mark Phillips moved to recommend Chris Cross as town representative to Rockingham Country Planning. Jim Weiner second the motion and all were in favor.*

Chair Hebert said RCP should have an additional name if an issue came up that required two votes so he would put his name in, but he wouldn't attend most meetings.

*Cosmas locovozzi moved to recommend Denis Hebert as a second representative to Rockingham County Planning. Bernie Christopher seconded the motion and all were in favor.*

**Minutes:** *Chris Cross moved to approve the Minutes of the May 23, 2016 meeting with corrections as noted. Jim Weiner seconded, and all were in favor.*

**Adjournment:** *Cosmas locovozzi moved to adjourn the meeting. Jim Weiner seconded the motion and the meeting adjourned at 8:45 p.m.*

**Next Meeting:** Monday, June 27, 2016

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

*These Minutes were approved and adopted at the June 27, 2016 Planning Board Meeting.*