

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, June 27, 2016

- Call to Order:** Chair Denis Hebert called the June 27, 2016 meeting at 6:30 p.m., followed by the Pledge of Allegiance
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Bernie Christopher (left at 7 p.m.); Jack Pare; Mark Phillips; Jim Weiner; Alternate Member: Ken Latchaw; Board of Selectmen's Representative, Cosmas Iocovozzi; Interim Planner, Gerald Coogan and Jane Kendall, Recorder
- Public Guests:** Cliff Sinnot and Glenn Greenwood from Rockingham Planning Commission; Attorney Alec McEachren; Stoneface Brewing Partners, Peter Beauregard and Moe Erol; Colin Densmore with Ambit Engineering; Mr. Holben with Holben Architects; John Ricci with Ricci Construction; Marlon Frink; Gail Pare

1) Presentation and Discussion with Cliff Sinnot and Glenn Greenwood with Rockingham Planning Commission

Rockingham Planning Commission's Executive Director, Cliff Sinnot and Assistant Director, Glenn Greenwood appeared before the Board at the invitation of Interim Planner, Gerald Coogan and Chair Hebert to give an overview of their organization and services available to the town.

Mr. Sinnot informed the Board that Rockingham Planning Commission (RPC) was one of nine regional planning commissions were established under State law forty or more years ago to provide regional and local planning assistance, most heavily involved with coordinating state, regional and local transportation programs, but they also provided assistance with town master plans, capital improvement programs, and GIS mapping. Mr. Sinnot said they were also responsible for making sure communities were compliant with work force housing.

Mr. Sinnot said there were twenty-six voluntary communities that were members of RPC and each town had two representatives. Vice-Chair Cross and Chair Hebert were Newington's commissioners. Mr. Sinnot said RPC was run by the commissioners who adopted the budget and set the direction. He added that commissioners attended and voted on decisions, as well as informed their town on what was happening in the

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region as well as communicate with the commission what is happening in the communities.

Vice-Chair Cross commented that RPC provided an opportunity for community members to participate in planning just as he and former Planning Board Chair, Marlon Frink worked on the Route 16-Spaulling Turnpike expansion.

Mr. Sinnot said they also coordinated intercommunity projects such as Exeter and Stratham sharing water and sewer.

Mr. Greenwood added that RPC received funding for transportation coordination from the State as well as their community membership; however, they didn't raise a lot from dues so their membership activities were limited to transportation and planning and updating and updating master plans and capital improvement programs could be contracted at separate price. Mr. Greenwood said they could also inform the Board of annual grant funding programs.

Chair Hebert inquired about the possibility of Everource's power lines that were going through residential sections and following along the railroad lines interfering with future regional plans. Mr. Sinnot replied that they had looked at the railroad lines in Durham. He said Durham was aware and there might be a need for minor changes at underpasses, but it was not definitive yet.

Board member, Jim Weiner asked if there were any funds for hazard mitigation that might assist the Newington Conservation Commission with cleaning up an old dump in the Town Forest. Mr. Sinnot said the only funds available would be after a natural disaster.

Mr. Sinnot suggested the Board might want to consider the Town's future transportation needs along Woodbury Avenue, although it might be too late for a corridor grant. Chair Hebert commented that the Town might need assistance with traffic changes that could result from a proposed subdivision off Woodbury and also the traffic changes going through town since construction on the Spaulding Turnpike construction.

Mr. Sinnot added that the New Hampshire Department of Transportation (DOT) had funds for sidewalk or trail plans and construction.

Mr. Greenwood said RPC provided standard hardcopy and online maps to each town. Chair Hebert added that applicants could download the maps from their site to include in their presentations.

2) Public Hearings: Proposal by Stoneface Brewing for an expansion of use at 436 Shattuck Way #6, Tax Map 7, Lot 12.

Chair Hebert turned to Mr. Coogan for brief update. Mr. Coogan said the building at 436 Shattuck Way, owned by E.F. Mooney was approved in 1987 as a mixed use facility with uses that have come and gone depending on trends and the economic market.

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Mr. Coogan said one of the tenants, Stoneface Brewing wanted to expand to the eastern section of building and include a tasting room and restaurant. He said both he and Town engineering consultant, Eric Weinrieb with Altus Engineering reviewed the plans and recommended that the Board accept the application as substantially complete to begin review.

Chair Hebert added that the Technical Review Committee (TRC) sent out notes from Altus Engineering.

Mr. Coogan recommended that the Board vote whether the application was substantially complete before getting into the plan. Chair Hebert replied that the Board didn't know what the TRC had seen so they were asking questions on the present plans.

Mr. Weiner asked if their site parking encroached the wetlands at the rear of the building. Mr. Weinrieb replied that they were not expanding in that direction, but were working in the buffer only to remove pavement in the back and moving the parking further away.

Mr. Beauregard said they signed their lease for use of their existing space in October of 2013 with a plan to produce 800 barrels a year and selling their first beer in February of 2014. He said they had produced 2,000 barrels last year and planned on brewing 4,000 this year. He said their ceiling was 15,000 gallons a year, which was one-quarter of what Smuttynose produced.

Mr. Beauregard said they had ten full-time employees and planned on adding another ten next years. He said they were working on efficiency to establish a stable work environment for their employees where they could offer dental and health insurance benefits.

Mr. Beauregard explained that hops were becoming more difficult to source and acquire so predictability and planning was important to project growth for storage and expansion. He said that they could add more tanks in their existing space, but there was no room for the parking and food service that was required by the State to go with the tasting room.

Mr. Beauregard said they hired Ambit Engineering and Holben Architects to do the plans. He said the plan calculations were based on the building code formula for the square footage would allow 135 people for square feet, but they wanted to keep it at 88 seats that included 17 seats on the patio and a few seats in the function room, and down to 60 seats during the off season.

Mr. Beauregard said the manufacturing section would be in operation from 9 a.m. to 5 p.m. Monday through Friday so there would be ample parking on site during the evenings and weekends when patronage was busiest.

Mr. Beauregard said they would continue to do their loading and unloading at the back. He said the site plan would show striping for parking to be sure the area was safe for trucks. He said they currently received four pallets on a truck and there was room for larger deliveries so he didn't anticipate additional truck traffic because their they would

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continue to receive raw materials in small box trucks twice a month, however 50' tractor trailer trucks had been in and out before without any trouble.

Mr. Beauregard said on average most breweries ran seven gallons of waste water down the drain for every bottle produced, but they were down to four gallons. He said he had spent time with Denis Messier at Newington's waste water treatment plant and Mr. Messier had expressed no issues, adding that their waste water was actually beneficial because it was not the same chemical waste same as occurred in many industrial uses.

Mr. Beauregard added that they were doing all they could to run an efficient and sustainable business. He said the spent grain from the malted barley they used was collected by a dairy farmer in Eliot, Maine.

Chair Hebert said the Board needed to know if the plan was complete and if any plans were missing.

Colin Densmore with Ambit Engineering said they presented an aerial photo of the site plan at the TRC meeting and were told they needed a new survey and site plan, which they since provided. Mr. Densmore then went through several of the plans for the Board.

Mr. Weinrieb noted that the drainage computations were included in the parking and wetlands buffer waiver requests.

Mark Phillips moved to approve the proposal by Stoneface Brewing for an expansion of use at 436 Shattuck Way #6, Tax Map 7, Lot 12 as substantially complete. Cosmas locovozzi seconded the motion and all were in favor.

Chair Hebert informed the applicant that the deadline of 65 days had begun and opened the public hearing to present details.

Marlon Frink of Little Bay Road said he had toured their establishment and was impressed with their layout that safely screened their patrons. Mr. Frink said he thought the expansion would assist the applicant in diversifying their business responsibly and assist them with financial stability.

Gail Pare of Little Bay Road asked if they were planning on taking over the entire building. Mr. Densmore showed the locations of their current occupancy, other tenants and expansion plan.

Vice-Chair Cross asked if the tenants in the center of the building would move into the end of the building where there were now so that they could keep the manufacturing area close to the new expansion and Mr. Densmore replied that they would keep the layout the same as it was for now.

Chair Hebert asked about their waiver for parking and site lighting.

Mr. Coogan said they were required to have 91 spaces for patrons and only had 88 spaces, but he and Mr. Weinrieb thought 88 spaces would be appropriate

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considering their manufacturing employee spaces would be empty during their peak patron hours.

Mr. Densmore agreed that the space would have capacity for 139 seats, but the they were only intending to have 88 seats and proposing 35 parking spaces for their restaurant usage alone. Mr. Densmore said that according to Town regulations for parking, they would need 31 parking spaces for the manufacturing side, but they only planned on having 11 employees so they were requesting a waiver.

Chair Hebert asked about parking for the other tenants and Mr. Densmore replied that there were spaces for the other tenants, but they didn't use all of them.

Discussion ensued regarding the need for ADA accessible parking spaces and ramps for the restaurant and employee entrances. Chair Hebert asked if they could meet the requirement for four spaces by having them all in the front by the restaurant. Mr. Weinrieb doing so would not provide handicapped parking for the employee area so it would be better to have two spaces for the restaurant and two separate spaces for the manufacturing employee's entrance.

Mr. Densmore commented that the new tenants would be solving an existing issue for other tenants that had nothing to do with them. Mr. Beauregard agreed that they were only required to have two ADA parking spaces for their restaurant. Mr. Weinrieb replied that they still needed ADA access for their employees and they needed to show plans for a ramp to get into the building safely from the parking space.

Chair Hebert commented that the pavement in the parking area was broken up and asked if they were planning to repave. Mr. Beauregard replied that they were not at this time. Mr. Weinrieb said it was time to replace the pavement, but he understood it belonged to the landlord.

Mr. Densmore showed the plan for pavement to be removed at the back that would reduce runoff to wetlands. He said they would add pavement toward the front to improve the parking layout and they would also improve the back parking area with striping and stripe the corner for no parking to improve delivery and emergency truck turns. He said the fire lane would remain at the back and they were shifting the dumpsters for efficiency.

Mr. Densmore said there were constraints for large trucks turning around the corner of the existing site, but they only received deliveries from 53 foot trucks ever six months and had managed in the last two years that they had been there.

Chair Hebert asked what would happen if two trucks showed up at the same time and Mr. Densmore replied that one truck would have to wait for a short while the other unloaded. Mr. Weinrieb said trucks could do a multi-point turn if necessary.

Vice-Chair Cross commented that he didn't like the siting distance and asked why they didn't move the hydrant where the new water line would be moved. Mr. Densmore agreed, but said large tractor trailers seldom made deliveries so they would rather avoid the cost as it was only a worst case scenario modeled.

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Chair Hebert said he didn't see that there was any getting around safety issues with the fire hydrant placement for a truck turn-around. Mr. Weinrieb suggested they revisit the issue in a year and then they could consider if improvements to the hydrant location were necessary.

Mr. Weiner asked about their discussion during the preliminary review regarding overflow parking at Rockingham Electric across the street during special events. Stoneface Brewing co-owner, Peter Beauregard said that he didn't believe overflow parking plans would be necessary to meet plan regulations, but they had talked with Rockingham Electric about overflow parking during evenings and weekends if necessary. He said they had also talked with the Newington Police Chief and would have a detail officer on site.

Chair Hebert said he thought each developer had to have parking for their own facility. Mr. Weinrieb said they did, but they could have additional parking for events to prevent overflow.

Chair Hebert said he thought the business would do exceptionally well and concerned with parking and patrons crossing Shattuck Way to Rockingham Electric after imbibing at an event.

Alternate Board member, Ken Latchaw commented that a special function with parking off site would require the presence of a police officer. Chair Hebert added that said they would need to apply for a permit from the Board of Selectmen. Board of Selectmen's representative, Cosmas Iocovozzi added that the Board had made the laydown area for Sea-3 a condition of approval. Chair Hebert said he didn't like offsite parking on someone else's property and suggested they return to the Board for further consideration.

Mr. Weiner commented that he didn't see how they could avoid special events and he was concerned that the cues would exceed their parking spaces. Mr. Beauregard replied that they had a special event once before and they decided they would never announce events again because they didn't want big crowds because it was not a good experience for patrons and employees.

Vice-Chair Cross pointed out that employee parking would be available for weekend events.

Chair Hebert asked if they were putting up "no parking" signs anywhere and Mr. Densmore said they were putting no parking signs in the back corner to keep cars from parking all over. Mr. Weinrieb also recommended that they put up "no parking" signs on both sides of the road to prevent patrons from parking there. Mr. Weinrieb said RV's and other recreational vehicles would want to park along the street or across the street at Rockingham Electric. Chair Hebert agreed that vacationers with RV's would be inclined to park along the street. Mr. Weiner agreed that it would be necessary for safety reasons.

Mr. Frink mentioned that there should be a place for people to pull over when they got off the highway.

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Ms. Pare objected to the signs because she thought they gave an unfriendly impression.

Mr. Iocovozzi said he thought they should leave the decision up to the road agent.

Mr. Weinrieb added that the establishment was close to bicycle and pedestrian ways and they should provide bike racks.

Mr. Weinrieb commented that the lighting was deficient primarily in the back area and there were no plans to change them, but they were in compliance in the new area for public use. Mr. Densmore said a waiver was required in one spot for parking at the rear of the loading area because they were only able to achieve on foot candles of luminescence where two were required.

Mr. Densmore stated that they planned on putting in new light poles in the restaurant parking area and lights at the front and rear of the expansion area would be dark sky compliant. Chair Hebert said this would be an opportunity to change the rest of the lighting. Mr. Densmore said the landlord had no lights on the Shattuck Way side of the building. Mr. Beauregard clarified that there was only a red fire light and a street light on an electric pole.

Mr. Densmore said they would add seven street trees as required for every seven parking spaces and showed the plan for outdoor seating and green space landscaping with trees and shrubs for shade and to screen parking review from street. Mr. Weinrieb commented that the TRC talked about the old site plan, including the deficiency of trees in front of the building. He said the owner recently planted some small caliper trees during the heat of summer, but they didn't meet the planting regulations and he was skeptical with their survival rate. Chair Hebert agreed and said they needed to update their plan to indicate the planting size of the trees they were proposing.

Discussion ensued and it was agreed that the applicant would need to go before the Newington Conservation Commission with landscape plans that were signed by a licensed landscape architect or designer as was customary for site approval.

Mr. Holben said they would add some new material in a contrasting color to the existing blue building and would also use dimensional copper lettering for their signage. He said they would also provide renderings on signage that would meet the signage requirements with the additional parking information

Chair Hebert asked if there would be lighting for the signage and Mr. Holben said they had not yet determined whether they would. Chair Hebert replied that they could do angled lighting that would illuminate the sign, but he would like some form of commitment so the Board knew what they were approving. Mr. Holben said the signage and lighting would definitely be Town compliant.

Chair Hebert asked about their sprinkler system. Mr. Densmore said the building already had a sprinkler system, but they would modify it.

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move the pavement further away. He added that the small retaining wall should also come down to improve the flow to the wetlands buffer.

Mr. Moe stated that they had not seen flooding in the two years of their occupancy. Mr. Weinrieb replied that the drainage plugged and was not operating as designed even if it had not begun to flood yet.

Mr. Densmore replied that they would consider recovering the treatment swales so long as the Board made it a condition that the permitting would not hold up the approval. Mr. Weinrieb suggested that the Board could make it a condition before the occupancy permit was issued. Mr. Moe said they would prefer that the occupancy permit not be pinned to their maintenance of the swale.

Mr. Pare commented that the accumulation of the owner's neglect should not fall on the newest tenant among many and Board member, Mark Phillips agreed. Chair Hebert replied that the owner had sent a letter saying the applicant was acting as his agent as was an established precedence with applicants expanding a property under someone else's ownership.

Mr. Phillips said he disagreed because pre-existing maintenance was the owner's responsibility. Chair Hebert replied that it was up to the tenant, not the Town to negotiate with the owner.

Mr. Phillips said the applicant was not expanding the footprint and he thought the Town could demand that the owner maintain the culverts that were put in for the benefit of his business twenty years before. Mr. Weiner replied that Mr. Phillips brought up a good point that the applicant was caught in between and wasn't sure if there was any process for going after a landlord that wasn't keeping up with site maintenance, but it needed to get it done rather than allow the neglect to continue. Mr. Phillips suggested they look at the site plan. Mr. Weinrieb replied that he had looked at the old plans and it appeared that there were no maintenance agreements were recorded back then.

John Ricci, President of Ricci Construction, working with the applicant commented that his experience as Chair of the Portsmouth Planning Board suggested that towns usually required property owners to have a stormwater maintenance agreement and if it wouldn't be in the shape it was in if it was inspected and enforced annually. Chair Hebert replied that was a requirement for all the applications that came before the Board, but he was not on the Board 30 years ago when this property was approved.

Vice-Chair Cross replied that many applications in town, including the use of the old hangers on Gosling Road were presented by the applicants that were required to maintain the premises rather than the owners. Mr. Frink agreed with that applicants would be responsible with their section of development, but commented that this was maintenance of a pre-existing condition.

Chair Hebert replied that the problem was that the Board would not be able to approve the application without the maintenance of the swale. Mr. Densmore agreed that they didn't want to hold the application up and they would agree to supply an

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annual maintenance plan, which they would convey to the owner. Chair Hebert commented that the applicant would probably end up paying for the required maintenance one way or another. He said they would also need to indicate who would be responsible for maintenance each year.

Mr. Iocovozzi asked if the applicant would need to redesign the stormwater treatment. Mr. Weinrieb said he assumed they would need an engineered drawing to recreate the drainage ditches in the swale. Mr. Densmore replied that they would do so.

Mr. Weinrieb suggested completion be required a year to the date of approval, holding the bond until it was complete. Mr. Iocovozzi commented that bonds were usually held for two years. Mr. Beauregard commented that their canning line would be starting in September and they would probably get the maintenance done as soon as they acquired the permit.

Mr. Iocovozzi asked if Mr. Messier at the waste water treatment plant had given them any calculations if he 1,000-gallon grease trap would be adequate. Mr. Densmore replied that the 1,000-gallon trap was the same size as another larger restaurant he had worked with used.

Discussion ensued regarding the conditions that were included in the approval below.

Jim Weiner moved to accept the proposal by Stoneface Brewing for an expansion of use at 436 Shattuck Way #6, Tax Map 7, Lot 12 with the following conditions:

- *That the applicants shall upgrade the ADA compliant access to the Stoneface Brewing facility be updated*
- *That the applicants shall dig out the swales and clear the culvert drains at the rear of the building*
- *That the applicants shall provide a storm maintenance plan and receive approval from the New Hampshire Department of Environmental Services to reconstruct the drainage swale and culvert for completion one year from the Planning Board's approval*
- *That the applicants shall present to the Newington Conservation Commission a signed copy of their landscaping plan by a licensed landscape designer or architect*
- *That the applicants shall complete all the items submitted on June 27, 2016 by Town engineering consultant, Altus Engineering, Interim Planner, Gerald Coogan and the Newington Technical Review Committee*
- *That the applicants shall submit a security bond in the amount as determined by Altus Engineering and Interim Planner, Gerald Coogan for site improvements*

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- *That the applicants shall comply with code enforcement issues and sprinkler system with the Newington Building Inspector and the Newington Fire Chief*
- *That the applicants shall supply a signed plan for the sign and lighting fixture details*
- *That the applicants shall return to the Board for approval if more parking is needed at the 436 Shattuck site.*
- *That the applicants shall apply to the Board of Selectmen to request a permit for special functions.*
- *That the applicants shall return to the Newington Planning Board after one year of operation to review the lighting, hydrant location for truck turns, parking and snow storage for potential modifications*

Mark Phillips seconded the motion and all were in favor.

Jim Weiner moved to approve the request for a waiver from parking and lighting requirements at 436 Shattuck Way #6, Tax Map 7, Lot 12 as proposed by Stoneface Brewing. Mark Phillips seconded the motion and all were in favor.

Mr. Densmore said they had also submitted an application for a conditional use. Mr. Coogan stated that he thought it should be reviewed. Mr. Densmore said the permit was to allow them to work in the wetlands buffer, including removing the pavement from the parking spaces. Mr. Weinrieb said it was explained in the narrative and there was no need for further discussion.

Cosmas locovozzi moved to approve the application for conditional use to work in the wetlands buffer for the expansion of use of Stoneface Brewing at 436 Shattuck Way #6, Tax Map 7, Lot 12. Mark Phillips seconded the motion and all were in favor.

3) Report by Interim Planner

Mr. Coogan passed out a memorandum on upcoming items and updates on the subdivision regulations.

Minutes: *Cosmas locovozzi moved to approve the Minutes for the June 13, 2016 meeting. Vice-Chair Cross seconded, and all were in favor.*

Announcements:

Chair Hebert announced that Eversource would hold a meeting for comments on their transmission expansion site evaluation on Thursday, July 21, 2016 at 6:30 p.m. at the Town Hall.

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Adjournment: *Cosmas Locovozzi moved to adjourn the meeting. Chris Cross seconded the motion and the meeting adjourned at 9:59 p.m.*

Next Meeting: Monday, July 25, 2016

Chair Hebert announced that he would not be available to attend the next meeting so Vice-Chair Cross would chair.

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

These Minutes were approved and adopted at the July 25, 2016 Planning Board Meeting

