

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

- Call to Order:** Chair Denis Hebert called the October 29, 2018 meeting at 6:30 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Jim Weiner; and Peter Welch; Alternate Erika Manze; Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Board of Selectmen's Representative, Ken Latchaw
- Public Guests:** Ted Reed with Sprague Energy; Greg Mikolaitis with August Engineering; Doug LaRosa with Ambit Engineering; Mark Phillips with Storage Barn; John Lorden, P.E. with MSC Engineering; Eric Weinrieb, P.E. with Altus Engineering; Town counsel, Attorney John Ratigan

Chair Hebert welcomed newly appointed Alternate Board member, Erika Manze before opening the public hearing.

1) Public Hearings:

- A) Site Review for **Sprague Operating Resources, LLC** to construct an 11,200 s.f. metal building to house a polymer injection facility, heater, office, lab and enclosed loading dock at their property located at 372 Shattuck Way, Tax Map 7, Lot 14 in the Waterfront Industrial Zone

Chair Hebert asked that this item be delayed so that the following item could be heard first.

- B) Site Review for **The Storage Barn, LLC** for a self-storage facility at property located at River Road and Shattuck Way, Tax Map 19, Lot 7A in the Office Zone

This item was taken out of order.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

Town Planner, Gerald Coogan and the applicant, Mark Phillips with Storage Barn passed out updated plans to Board members.

John Lorden, P.E. with MSC Engineering stated that this facility with three additional buildings for storage would be an extension to the other Storage Barn off Woodbury Avenue, with no caretaker apartment, and no parking, just lanes for drop off and exit. He added that they would provide lighting, but water and sewer would not be required. Mr. Lorden went on to say that an Alteration of Terrain (AoT) permit would not be required, but that they would still meet all the requirements.

Mr. Lorden reviewed the lot line adjustment to make the non-conforming lot more conforming. He added that they were moving the stone wall outside of the no cut/no disturb area. Vice-Chair Cross asked if would make special provision so that the stone wall wouldn't obstruct drainage flow and Mr. Lorden agreed. Vice-Chair Cross also suggested that the culvert be oversized or have a backup so that it wouldn't get clogged and impede flow.

Vice-Chair Cross noted that the pavement appeared to have shifted to the back, closer to the gas line easement.

Board member, Jim Weiner asked if the Newington Fire chief had been to the site to see if they could navigate around the building and into the middle. Mr. Lorden replied that there was no need to access the middle of the building, and that the Fire Department reviewed the plan and were okay with it.

Mr. Weiner asked about improvements to the appearance of the building. Mr. Phillips reviewed the plans for the 5'x10' and 10'x10' storage units to have the appearance of an office building. with loading in the back so that garage doors wouldn't be facing Shattuck Way. He added that he would have a gabled roof rather than a slow pitched roof, which would allow more solar panels. Mr. Phillips stated that the building would have electric and gas connection, be climate controlled no less than 50 degrees in winter and no higher than 80 eighty degrees in the summer with insulated doors instead of corrugated doors. like the last building he built in Dover.

Vice-Chair Cross asked if there would be any garage doors on the River Road side. Mr. Phillips said there would be a couple of overhead doors and a couple of pedestrian doors there as well as the other side.

Chair Hebert agreed that they had made improvements with the appearance, but he wondered what could be done to improve the appearance on the ends on the River Road side. Mr. Phillips said he was proposing enhanced landscaping. Vice-Chair Cross said he wasn't so concerned with multiple garage doors on the wetlands side. Mr. Phillips said he could put one garage door to look like a barn to match his theme.

Mr. Weiner agreed that the improved appearance with landscaping would improve the clear cutting surrounding the lot.

Discussion ensued regarding setbacks. Mr. Lorden recalled that there had special meeting to discuss access from River Road instead of Shattuck Way. Chair

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

Hebert stated that the Office Zone required a 75-foot setback from the frontage too, so they needed to be sure everyone was on the same page.

Mr. Weiner asked if the Newington Police Department had commented on security on the site. Mr. Phillips said security had been reviewed with the Technical Review Committee (TRC) and they liked that it was well lit at night.

Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering said the overhang of the truck would extend into the guard rail, so he would recommend redesigning or reducing the size of the building.

Vice-Chair Cross commented that the fire trucks would require a 360 degree turn and he wondered if the applicant could get a setback exception from the abutting Town property.

Vice-Chair Cross asked about not providing any parking. Mr. Phillips replied that there would be 100 units and only two to three people there at a time and there would be no rush hours. Vice-Chair Cross commented that it concerned him that customers would require parking for loading and unloading in a 24-foot alley, and they would block the lane for emergency vehicles. He added that the Board also had to consider future use after the business and lot was sold to someone who might be interested in putting in an office space that would require parking. Mr. Lorden replied that he could put parking at the back, but no one would use it.

Mr. Weiner said it seemed to him that if sold, a new company would demolish this building. and would need to put new parking area. Chair Hebert replied that they still should identify where parking could go and perhaps put a couple of parking spaces in case someone stayed at the storage unit longer.

Chair Hebert asked if the updates would change all the other plans. Mr. Lorden replied that the drainage would still go in the same direction. Mr. Coogan asked if the bioretention ponds would remain the same. Mr. Lorden replied that they would, and the only change would be to make a single building.

Chair Hebert commented that Town counsel, Attorney John Ratigan had said the current proposal was not part of the application. Attorney Ratigan added that they were having a productive discussion, but none of it would go on record unless the Board made a motion that the proposal was substantially complete and to include the previous discussion as part of the record. Mr. Lorden said his understanding was that they would revise their plans, go before the TRC, respond to their comments and then return to the Board. Chair Hebert said he didn't think he could extend a project that had not been ruled as substantially complete. Attorney Ratigan added that applications often needed waivers, etc., so Mr. Weinrieb could determine if the plans were substantially complete.

Mr. Coogan stated that their first plan had deficiencies in non-conformity when it was submitted, so they were proposing a lot line adjustment, but they still needed to provide a lot line adjustment plan. Vice-Chair Cross added that they also needed to provide generic dimensional elevations.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

Mr. Coogan went on to say that zoning still needed to be discussed because self-storage was a personal warehouse, which the Board agreed to accept in the Office District a year earlier. Mr. Weiner recalled that the Board made an exception for the Storage Barn off Woodbury Avenue because it was sitting next to another storage facility, but this was in a different area without a storage area, so it would be an improvement to encapsulate it and make it look like an office building. out of consideration to abutting businesses that may not want to be next to a storage facility. Chair Hebert agreed that it would be a benefit to everyone to improve the appearance.

Chair Hebert asked why they were not aligning the drive into the curb from the other storage site. Mr. Lorden replied that he would investigate the item.

Mr. Coogan stated that there was still enough information submitted to consider the plan as substantially complete. Mr. Weiner suggested that they state conditions for approval.

Chair Hebert recommend presenting their plan in front of the Board and the TRC simultaneously. Mr. Coogan replied that they could meet with the TRC on November 19, 2018, the Thursday before the Planning Board meeting.

Jim Weiner moved to accept the proposal by The Storage Barn, LLC for a self-storage facility at property located at River Road and Shattuck Way, Tax Map 19, Lot 7A in the Office Zone as substantially complete with the provisions:

- *that a lot line adjustment be implemented to address the non-conforming lots*
- *that the stone wall will not obstruct drainage flow*
- *that the culvert be oversized or have a backup to prevent clogging*
- *that the building be reduced or redesigned to prevent the overhang of fire trucks over the guard rail*
- *that a couple of parking spaces be added and that the plan shows where additional parking could go for future use*
-

Erika Manze seconded the motion, and all were in favor.

Chair Hebert opened the public hearing.

Jim Weiner moved to incorporate the previous discussion to become part of the public hearing minutes. Erika Manze seconded the motion, and all were in favor.

Chair Hebert stated that he was pretty sure the Board of Selectmen wouldn't give up the Town owned property on the corner of River Road and Shattuck Way, but they might consider allowing trees to be planted on it.

Vice-Chair Cross commented that he thought the applicant should consider providing solid waste disposal on the site so that cardboard boxes, old mattresses, and the like would not be abandoned along Shattuck Way. Mr. Phillips replied that his

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

storage facilities would be carry in and carry out so there was no need for dumpsters on his sites. Chair Hebert replied that he was not so concerned with items in ending up in the Town transfer station, but he agreed with the concern over illegal dumping off site.

Chair Hebert asked about the lighting waiver request. Mr. Lorden stated that although the Ordinance stated that lighting was not to exceed the established level, they felt that this site needed brighter lighting in some areas and lighting left on for security at night as well. Chair Hebert responded that the dark sky Ordinance did call for less lighting, so he would prefer to see downward angled lighting to prevent glare, timers and motion detectors that could attract police attention if there was activity on the site.

Chair Hebert stated that building and lots went through transitions over time, so he wanted to be sure that the limited parking and other uses wouldn't be grandfathered, but asked that the applicant indicate where sewer, water and utilities could come in if the lot was built out in the future.

Chair Hebert continued the public hearing to a date certain of Monday, November 19, 2018.

- A) Site Review for **Sprague Operating Resources, LLC** to construct an 11,200 s.f. metal building to house a polymer injection facility, heater, office, lab and enclosed loading dock at their property located at 372 Shattuck Way, Tax Map 7, Lot 14 in the Waterfront Industrial Zone

This item was delayed to hear the previous item first.

Ted Reed with Sprague Energy, Doug LaRosa with Ambit Engineering, and Greg Mikolaitis with August Consulting appeared before the Board to present their site plan.

Mr. Reed stated that the site plan was at the request of Pike Industries, their asphalt customer since 1984, who needed to update their asphalt mix to add plastic polymers to meet requirements for their Federal contracts.

Mr. Reed explained that the styrene polymer pellets from Korea or Indonesia would be off loaded in a one-ton sack. He said the asphalt would come in to the site and be heated to 340-380 degrees, after which the polymer would be added, processed in a mill, then held in a tank before adding 3-4% to an asphalt tanker truck for transport. Mr. Reed stated that the off-loading dock would be enclosed at the back for processing.

Mr. Reed explained that the polymer went up a conveyer, into the hopper to the tanks where it mixed with the asphalt. He said there were two natural gas fired heaters. Mr. Reed explained that the process required a lot of testing to meet government regulations so there was a laboratory, as well as an office, a small kitchen, bathroom and storage.

Mr. Reed stated that the operation would run sixteen hours a day, five to six days a week from April 1 to December 1 and then be shut down for the winter. He said with two tractor trailers a week over eight months, they ran approximately 1,200 trucks n and

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

out of the plant per year; and because they were only changing the grade of the asphalt, he didn't expect to increase the traffic.

Mr. Reed said he met with Town engineering consultant, Eric Weinrieb, P.E. with Altus Engineering a week earlier to talk about drainage. Mr. LaRosa explained that they planned on putting in an evaporative trench, so they wouldn't need to tie into any other drainage.

Mr. Reed said he expected delivery and servicing of the equipment to take five to six months and he hoped to get the plant up and running for the next season.

Chris Cross moved to accept the proposal by Sprague Operating Resources, LLC to construct an 11,200 s.f. metal building to house a polymer injection facility, heater, office, lab and enclosed loading dock at their property located at 372 Shattuck Way, Tax Map 7, Lot 14 in the Waterfront Industrial Zone as substantially complete. Peter Welch seconded the motion, and all were in favor.

Peter Welch moved to adopt the previous discussion into the public hearing minutes. Jim Weiner seconded the motion, and all were in favor.

Chair Hebert asked if Mr. Weinrieb had reviewed the proposal. Mr. Weinrieb replied that he typically didn't review plans before they were accepted, but he was asked to do a preliminary draft review that he dated Oct 16, 2018.

Chair Hebert asked if any odors would be omitted. Mr. Reed said the system would have its own closed odor control system with piping to take particulate out and continue through carbon and no odors to eliminate the emission of odors. Chair Hebert asked that they fix any issues that might arise and now and after Mr. Reed left employment at Sprague. Mr. Reed agreed.

Chair Hebert stated that he also wanted to be sure that no polymer pellets would blow away and be lost outside. Mr. Reed replied that the process was conducted in an enclosed building. Mr. Weinrieb asked if the doors or windows might be opened in the heat. Mr. Reed replied that there would be ventilation for the building so doors and windows would not be open.

Chair Hebert asked if there would be any noise with the process and Mr. Reed replied that there would not be any excessive noise.

Chair Hebert asked if lighting would face down and Mr. Reed replied that it would.

Mr. Reed stated that the building would be set up with a sprinkler system. He said they had a preliminary letter from the City of Portsmouth Water Department. He added that he spoke to Newington deputy fire chief and it was determined that they would require 2,600 gallons of water per hour and they had a ten-inch line that fed the hydrant. Chair Hebert asked if the water line would be able to handle a significant fire at

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

the dock. Mr. Reed replied that there would be no big demand for sprinklers at the dock, but the line was required.

Mr. Reed stated the regulations required sprinklers to run for 20 minutes so he spoke with Phil Sherman the State fire engineer. The Department of Environmental Services (DES) recommended placing two steel, 30,000-gallon tanks underground, to be pumped out within 24 hours after filling so that water would not run off.

Mr. Weinrieb commented that the construction of the sprinkler service was a change since he and Mr. Reed first walked the site. He said the plan should show the tanks.

Mr. Weinrieb added that it sounded as if Mr. Reed was being proactive regarding the odor control system. He said it was up to the Board if they were felt they were satisfied with the proposal or if they felt it needed to go through another TRC review.

Chair Hebert asked what the estimated cost of the project would be. Mr. Reed replied that Sprague would own the building, but Pike would contribute three million dollars of it and they would invest 1.4 million dollars and the sewer connection.

Mr. Reed stated he had all the required letters of approval except a letter from Dennis Messier at Newington Waste Water Treatment, so he would follow up by forwarding the letter.

Mr. Reed stated that they would landscape the front by planting 18 "emerald green" and "green giant" arborvitae trees on top of a free-standing, three to six-foot wall made of segmented ready rock, gravity wall, free standing. Mr. Weiner commented that deer liked arborvitae. Mr. LaRosa and Chair Hebert replied that deer tended to stay away from the manufacturing plants.

Chair Hebert stated that the applicant should present their landscape plan before the Conservation Commission.

Chair Hebert suggested that the Board could approve the application with the condition that they work with Altus Engineering to submit updated plans for the tanks, submit letters from all agencies and services that there are no issues, assure that there will be no noises or odors and if so, they will be repaired immediately, and go before the Conservation Commission.

Peter Welch moved to approve the site plan for Sprague Operating Resources, LLC to construct an 11,200 s.f. metal building to house a polymer injection facility, heater, office, lab and enclosed loading dock at their property located at 372 Shattuck Way, Tax Map 7, Lot 14 in the Waterfront Industrial Zone with the following conditions:

- *that that they work with Altus Engineering to submit updated plans for the tanks*
- *that they submit letters from all agencies and services that there are no issues*
- *that they assure that there will be no noises or odors and if so, they will be repaired immediately*
- *that they present a landscape review to the Conservation Commission*

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

. Chris Cross seconded the motion, and all were in favor.

II) New Business:

A) Public Hearing: Proposed 2019 Zoning Amendments

These items were delayed to hear the following item first.

III) Other Business

A) Status Updates:

1) Lydia Lane: Completion status update from Altus Engineering

This item was delayed to hear the following items first.

2) Oil Pipeline

Chair Hebert discussed the request to remove the pipeline that ran oil from Sprague up to Newington Energy power plant 30 days a year. He said the Board of Selectmen would be sending them a letter requesting a bond in case there was a leak.

3) Registering Plans

Mr. Weinrieb discussed updates in recording approved plans at Rockingham Registry of Deeds. He said they will no longer accept site plans and only want the final signed copy of subdivision and easement plans to meet final recording standards.

Mr. Weinrieb stated that he would meet with the City of Portsmouth the next day to discuss this issue and how they would move forward.

Vice-Chair Cross asked if each town would need to maintain their site plans for themselves. Mr. Weinrieb replied that they already should. He said Altus Engineering was scanning and putting them on their hard drive into folders according to tax map and lot. He added that he wasn't scanning draft plans or building plans, but he was returning hard copies to the Town.

Mr. Coogan asked if could record notice of decisions. Mr. Weinrieb said this could be part of a historical marker.

Mr. Coogan asked if this was just in Rockingham County and wondered if they would send a notice to towns. Mr. Weinrieb replied that he didn't know how widespread this policy was, but he didn't have any problems with Strafford or York County or Strafford County.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

Mr. Coogan said he understood that they only accepted plans signed by licensed land surveyors even though many plans were drawn by engineers. Chair Hebert also noted that the Town needed to continue requiring mylars for plans because paper didn't hold up over time and that the planner needed to oversee the process and be sure that there was a back up to prevent loss plans.

1) **Lydia Lane:** Completion status update from Altus Engineering

This item was delayed to hear the previous items first.

Mr. Weinrieb stated that he had written a letter in August 2018 to the developer of Lydia Lane, Joe Calderolda explaining the deficiencies in the development, but he hadn't seen any progress in addressing them. He went on to explain that that four out of six homes had been sold, but the residents were stuck on a private road without municipal services and the developer had to go on private property to finish the road. He said the wetlands plaques still hadn't been put up, driveways were not built to specification, and there were erosion issues. Mr. Coogan added that two building permits were outstanding as a result.

Mr. Coogan said he also met with the developer, but he came away with the impression that the issues would not be addressed right away. Mr. Coogan said the developer advised them to call his engineer. Mr. Weinrieb replied that he called the engineer, but still nothing had been done and it was clear that he was not going to pave the road after mid-October passed.

Chair Hebert noted that it appeared that the developer made the property owners responsible for their own plowing until the road was accepted by the Town, so he thought the Board might want to make a clear condition of approval that the developer would be responsible for road maintenance until the road is accepted by the Town. Mr. Weinrieb commented the Board thought assumed the developer would do what was needed until the road was accepted.

Mr. Weinrieb commented that the fees that were charged for review and construction inspections were reflective of how well a project would be handled.

Chair Hebert stated that the last thing the developer would want was to have the bond called in. Chair Hebert said the building inspector and Mr. Coogan had been working on the issue, but there are so many days to address problems once attorneys are involved. Mr. Coogan commented that the \$125,000 bond might not be enough to resolve the road issues either.

B) **Master Plan:** General update

Vice-Chair Cross updated the Board on the changes that Rockingham Planning Commission (RPC) had made with the maps and summary tables.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

Vice-Chair Cross stated that he thought the additional chapters, subchapters and appendixes would be completed by the next year. Chair Hebert responded that he would like to see the update done with redline edits over the winter so that the Board would not go into another year waiting to see what the changes were.

Chair Hebert reported that he had talked with Tim Roach, Director of RPC about payment of the final invoice even though the work had not yet been completed. He said Mr. Roach had apologized for the delays and would provide Board members with a draft of the Master Plan that had been converted from a PDF to a Word document for their reference. Mr. Coogan clarified that Theresa Walker at RPC referred to it as a final draft.

Vice-Chair Cross stated that he needed to redline the remaining chapters.

A) **Public Hearing:** Proposed 2019 Zoning Amendments

1. **Definition of Warehouse**

This item was delayed to hear the previous items first.

Adding definition as “a structure or room for the storage of merchandise or commodities or other items related to a principal use in the zoning district. This does not include a self-storage facility or the like.”

Chair Hebert commented that such developments have a high return for the owner, but there was a low for town and family adds to school and municipal use.

2. **Definition of Self-Storage**

“Buildings that are used for private storage. Typically, a single self-storage facility will contain a variety of individual units that are rented out for storing personal belongings.”

3. **New Zoning Ordinance: Article III, Section 6, Waterfront Industry and Commerce District “W”, B Uses Permitted:** Delete 9) Residential uses for caretaker, watchman,

Mr. Coogan said he didn't know if there were many existing residential uses for caretakers in the Waterfront Industry Zone besides the conference center on Bloody Point and at Great Bay Marine. Chair Hebert responded that there was also one at Haugh Storage and The Storage Barn, which was in Office District. Mr. Coogan noted that The Storage Barn applied to the Zoning Board of Adjustment (ZBA) for a variance to allow his self-storage facility in the Office Zone.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

Mr. Weiner stated that he was on ZBA and he voted in favor of their variance, but he has since thought that guarding could be covered in three shifts instead of having a residence for a watchman. Chair Hebert added that article was intended for a night watchman, not an entire family and he didn't think it necessary anyhow with electronic surveillance.

Chair Hebert stated that they could add that any existing use would still need to go through verification process by April of each year. Mr. Coogan the existing uses would be grandfathered, and they could require verification with a payroll statement. He added that the current amendment only addressed deleting the article and they would require a separate public hearing to make any additions.

Jim Weiner moved to recommend adding the Definition of Warehouse as "a structure or room for the storage of merchandise or commodities or other items related to a principal use in the zoning district. This does not include a self-storage facility or the like" to the 2019 Zoning Amendments. Peter Welch seconded the motion, and all were in favor.

Peter Welch moved to recommend adding the Definition of Self-Storage: as "Buildings that are used for private storage. Typically, a single self-storage facility will contain a variety of individual units that are rented out for storing personal belongings" to the 2019 Zoning Amendments. Erika Manze seconded the motion, and all were in favor.

Erika Manze moved to recommend deleting New Zoning Ordinance: Article III, Section 6, Waterfront Industry and Commerce District "W", B Uses Permitted: 9) Residential uses for caretaker, watchman," as a 2019 Zoning Amendment. Chris Cross seconded the motion, and all were in favor.

Mr. Coogan stated that he would write up another amendment for #10 for the November 19, 2018 meeting.

B) Discussion of other proposed 2019 Zoning Amendments

Board members discussed several other zoning amendment proposals for the next meeting, including the following:

3. Integrity of an approved subdivision – Site improvement shall be constructed in conformance with the approved plan.

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

Article IV General Provisions: Section 13 – Site improvements: All site improvements to a subdivision shall be constructed as approved by the Newington Planning Board.

Mr. Coogan stated that clarification was a result of changes to infrastructure without the Board's approval. Vice-Chair Cross responded that he thought this was already a part of the Zoning Ordinance. Chair Hebert agreed and said that according to State RSA's, a motion was enforceable in the conditions of approval and they were included in the Notice of Decision. Mr. Coogan the purpose of the amendment was to make assumptions clearer.

Vice-Chair Cross stated that the building inspector knew that a development had to be built according to the approved site plan, and he could not give a permit for anything that was not approved by the Board. Chair Hebert commented that it was understood field conditions sometimes required a change. Board member, Peter Welch agreed, but clarified that the applicant would need to go back to the building inspector.

Chair Hebert recommended deleting the amendment. Mr. Coogan agreed that they could refer the issue to consideration on site plans.

4. Building proximity – increase the building separation from 30 feet to 50 feet, 60 feet and stagger buildings

Article VII – Dimensional Requirements. Add a note at the bottom under **Height limits**

Building Separation: All primary residences located in the Residential Zoning District shall have a building separation of at least 50 feet.

Chair Hebert stated that this proposal came about in regard to the building of homes that were only 30 feet away from abutters so that they might end up looking into one another's windows, backyards or viewing the side of a garage.

Vice-Chair Cross commented that staggering homes would require one homeowner to have one drive longer than another at more cost which wouldn't be fair.

Ms. Manse asked if there would be a danger of making some lots unbuildable. Mr. Weiner responded that the Board and a homeowner could consider placing their home, but it would depend on wetlands and other conditions. He said they could also go before the ZBA to request relief. Chair Hebert replied that the change would give greater property rights to the existing property owner.

Jane Kendall commented as a Conservation Commissioner that homeowners might want to consider planting buffers surrounding wetlands for the added benefit of privacy between homes. Chair Hebert agreed that a green buffer might be useful if a homeowner chose to build that close to an abutter. Vice-Chair Cross added that it could

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

be up to the existing abutter to put up a green buffer as well. but he didn't think the Town could control those decisions.

Mr. Weiner suggested getting more input from the public.

5. Article III – Zoning Districts, Section 5 – Industrial “I” B – Uses Permitted – Add:

(9) All uses permitted in the Waterfront Industrial and Commerce District “W” shall be permitted in the Industrial “I” zone.

Chair Hebert commented that he didn't think it was necessary to state because it was already implied both ways even though it was sometimes forgotten. He said Sea-3 was told that they needed a variance for their expansion, but it was determined in court that it was not required.

6. Article VIII – Air Pollution Mitigation – It appears that Federal and State authority may preempt the Town from acting in air quality and mitigation. Recommend removal.

Vice-Chair Cross commented that Rockingham County used to be a non-attainment area, but it was now in an attainment area, so the Federal statute was no longer applicable and there was no use no incentive for businesses to pay additional amount for air mitigation.

7. Article III, Section 1 – Residential “R” A – Description and Purpose, - See Page Z- 10. See proposed last sentence: “Any future development which does not perform a neighborhood function...” Replace remaining sentence with “...is not allowed.”

Chair Hebert stated that in 2014 the Board recommended the same change, but it was decided that the decision should be reviewed by the Board, though he couldn't recall why. He said the thought the should return to the way it was which would cover home occupation and home business.

8. Article XIV – Home Occupations and Home Business – There may be a need to clarify the distinction between a Home Occupation and a Home Business. Note: A Home Occupation requires a public hearing, and a Home Business required a Conditional Use Permit and site plan approval.

Mr. Coogan read through examples of a Home Occupation that wouldn't have much traffic, and that a Home Business would require a site plan review. Chair Hebert replied that the Town had a lack of enforcement issue, however.

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

9. Article III, Section 6 – Waterfront Industry and Commerce District “W”, B Permitted Uses (4) Bulk material storage and distribution, See page Z – 14. Add the following: “...excepting the storage of salt”

Mr. Coogan stated that the recommendation was a result of discouraging “low value” businesses.

Vice-Chair Cross responded that salt storage was a big use that made use of the Piscataqua as it was intended, and it could be taxed.

Mr. Weiner suggested allowing existing uses, but not new bulk storage uses. Mr. Welch noted that the salt storage at Sprague was already grandfathered, but this was in regard to a new building use.

Mr. Welch added that the Board might not like one thing, but regional demands could change. Vice-Chair Cross commented that Eversource would need to build docks for tens of thousands of dollars said if nuclear bulk storage came in.

Mr. Welch responded that people were also willing to pay to have things go away too so the Town might want to limit truck traffic. Chair Hebert replied that the Town already did. Mr. Welch noted that salt storage would bring an additional 25-50 trucks a day. Vice-Chair Cross said the Town needed to complete Shattuck Way from Wilcox Way and eventually to Gosling Road.

Mr. Welch commented that the Town owed something to New Hampshire as the only port that supplied salt for state. Vice-Chair Cross responded that another business might eventually want to buy out the port access if salt storage moved from Portsmouth to Newington, however.

Chair Hebert suggested the Board and the Economic Development Committee consider other uses that would lower truck traffic.

12. Patterson Lane Zoning – Establishing a buffer on the northwesterly side between the Industrial and Residential Zones of Patterson Lane to restrict further residential development.

Chair Hebert stated that the residents of Patterson Lane were surrounded by Industrial uses and he was considering a moratorium on future Industrial uses on and this lot could remain a buffer. Vice-Chair Cross noted that an oil and natural gas pipeline ran behind the property.

Mr. Coogan said he didn't know how the Board could prevent an owner from developing their property. Chair Coogan suggested that the reasoning would be that residential use and heavy industry were not compatible.

Chair Hebert suggested inviting the residents of Patterson Lane to the Monday, November 26, 2018 Board meeting.

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, October 29, 2018

Mr. Coogan stated that he would post four additional amendment proposals for the Monday, November 19, 2018 meeting.

Minutes: *Chris Cross moved to approve the Minutes for the September 10, 2018 meeting with corrections as discussed. Peter Welch seconded the motion, and all were in favor*

Chris Cross moved to approve the Minutes of the October 1, 2018 Work Session. Jim Weiner seconded, and all were in favor.

Approval of the Minutes for the October 10, 2018 Work Session was postponed to the next meeting as they had not yet been prepared.

Adjournment: *Erika Manze moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 9:47 p.m.*

Next Meeting: Monday, November 19, 2018

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

These Minutes were approved and adopted at the November 19, 2018 Planning Board Meeting.