

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, December 12, 2016

- Call to Order:** Chair Denis Hebert called the December 12, 2016 meeting at 6:32 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Board Members: Jack Pare; Mark Phillips; Jim Weiner; Alternate Members: Ken Latchaw and Peter Welch; Town Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Vice-Chair Christopher Cross; Bernie Christopher; Board of Selectmen's Representative, Cosmas Iocovozzi
- Public Guests:** Brett Skirvin with Site Enhancement Services; Joe Coronati with Jones and Beach Engineering; Granville Knox; Ruth Fletcher; Jeanne Haskins; Ted Connors; Matt Morton

Chair Hebert announced that the public hearing for Swan Island Lane subdivision would be continued to January 9, 2017.

Chair Hebert announced that the Board would hear the following items before discussing updates on Wilcox Way that had been listed first on the agenda.

2) Proposal by Olive Garden Restaurant for lighting and sign site enhancements regarding property at number 2048 Woodbury Avenue, Tax Map 27, Lot 16.

Brett Skirvin with Site Enhancement Services appeared before the Board to present a preliminary proposal to enhancing the façade of the Olive Garden Restaurant with signage with their new logo and lighting. Mr. Skirvin said they were also adding a tower for aesthetics.

Mr. Skirvin said the new signs would be internally illuminated and both smaller and larger than the current signs, but within code.

Board member, Jim Weiner commented that it appeared that the overall increase of the signs was three square feet.

Chair Hebert stated that he just wanted the Board to see the changes before referring to the building inspector.

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Chair Hebert asked how bright the lights would be and if they would be dimmable. Mr. Skirvin said it was dimmable LED lighting and it could be adjusted. Chair Hebert said he was concerned that a bright light could be blinding and make it difficult to see a pedestrian. Chair Hebert said some LED lights resembled neon lights, which were not allowed

Chair Hebert asked if there would be any front lighting on the tower. Mr. Skirvin said it was an accent light and would comply with code standards.

Board member, Jack Pare commented that they were also near an air base traffic pattern so they would need to be sure that the light was not shining upward. Chair Hebert said the light wouldn't be visible from ground as it was so he didn't see why it was necessary.

Town Planner, Gerald Coogan said the building inspector would see the proposal when the applicant submitted their permit request to be sure it complied.

Ken Latchaw moved to recommend that the applicant go to the building inspector for a sign permit and return to the Planning Board if there were any issues that needed to be resolved. Jack Pare seconded the motion and all were in favor.

3) Preliminary Consultation: Proposal for Subdivision regarding property owned by **Adams Homestead Realty Trust**, located at 148 Nimble Hill Road, Tax Map 11, Lots 11, 11A and 11-3

Joe Coronati with Jones and Beach Engineering appeared before the Board to present a preliminary proposal.

Mr. Coronati stated that the Adams Homestead Realty Trust was a large lot that consisted of four contiguous properties owned by the Knox family. He said Granville "Gup" Knox's property also had frontage on Nimble Hill Road, but his home at the back was accessed off Coleman Drive.

Mr. Coronati said the family wanted to make some estate planning and met with him and Mr. Coogan to discuss possibilities. He said the first plan showed a twelve-lot subdivision for appraisal purposes, but they would rather put create a 17 acres of conservation easement and a subdivision with a couple of lots on Coleman Drive for siblings, along with the Adams Homestead on Nimble Hill Road. He said they would need 3,200 square feet from Rhonda Baker-Hill's lot for sufficient frontage and upgrade Mr. Knox's driveway to create two lots, and leaving the front lot as a conservation easement, but they could also consider putting the easement in a different configuration.

Chair Hebert asked if Ms. Baker would agree to a lot line adjustment. Ms. Baker was not present, but her family members said she would. He added that they could do the lot line adjustment and the subdivision at this same time.

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Mr. Coronati said the Adams Homestead house needed a lot of work on the roof and siding and barn. He said they were just starting so they were not sure how they would conserve the property.

Mr. Weiner asked if they had done an assessment of the value of the subdivision and 17 acres of conservation easement. Jean Haskins of Coleman Drive said they had a meeting with Duane Hyde with Southeast Land Trust, but they were only in the investigative stages.

Mr. Coogan said it would be more appealing to put the Adams Homestead together with the conservation easement in their presentation to Southeast Land Trust. Mr. Coronati said it could be done, but they would need to retain frontage for Mr. Knox's lot.

Mr. Weiner asked Mr. Coogan if the Adams Homestead easement would be included or separate from the conservation easement. Mr. Coogan said it might be beneficial to propose as a single easement when pitching to conservation groups, but he was not telling them what to do.

Mr. Coronati said currently there was a right-of-way to Mr. Knox's property through Ms. Baker-Hill's property. Chair Hebert said they would need to be approved for a private road because shared drives were not allowed to protect future owners.

Mr. Coronati said they had discussed the possibility of building a private road that would have to be engineered, built by Town standard, and reviewed by the Town engineering consultant, Altus Engineering. Mr. Coronati asked if it would need to be paved if it was approved and Mr. Coogan replied that they could request as waiver.

Mr. Coronati said they had flagged the wetlands and they were looking to put two drives between, but it was a narrow area. Chair Hebert suggested they might consider crossing the wetlands depending on value of the wetlands. Mr. Coronati agreed that they appeared to be marginal, wooded wetlands and not substantial.

Mr. Coogan said they would need data on the effect of the subdivision on the wetland drainage. Mr. Coronati replied that Southeast Land Trust did their own analysis.

Mr. Coogan said he would be concerned with adequate site distance for the curb cut on Nimble Hill Road. Chair Hebert agreed that the site distance on the proposed curb cut would be a hazard from Lot 12.

Discussion continued regarding building the private road and the cul-de-sac. Chair Hebert said they would need to think about it carefully because the Town could eventually take the road over so it had to be built to Town standards. Chair Hebert said he didn't want to set a precedent and thought they should probably include a revision to the cul-de-sac.

Mr. Coogan said they would need to return for review through the Technical Review Committee.

Jeanne Haskin of Coleman Drive said the family's private road used to be the road used to access the gravel pits on Beane Lane. She said heavy trucks used the

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road so she imagined it was built to specification. Mr. Knox agreed that the road was built by Landers and Griffith Gravel and was probably built close to Town standards. Chair Hebert said they would still need to do an engineering report to verify.

Chair Hebert said they could go before the Zoning Board of Adjustment to ask for a variance from the frontage requirement, but historically frontage variances had never been granted.

Mr. Coogan commented that State law said any subdivision could be off a road, but frontage had to be off a public road and could not be off a private road.

Zoning Board Chair Matt Morton added that Town trucks would not want to plow a gravel road. Chair Hebert agreed and said there would also be an issue with school bus pickup and he imagined that the fire chief would want to turn trucks around in case of fire. He went on to say that eventually the houses would be sold and new owners would want the same services as any other resident that paid taxes. He added that paving would enhance value of property.

Chair Hebert advised the applicants to talk with Mr. Coogan and the Board before doing a lot of designs and spending money on concepts. He said they also needed to consider abutting lots that could be developed in the future.

4) **Public Hearing:** Proposed Zoning Amendments for:

A) Accessory Dwelling Unit (ADU) to comply with new State Statute

Mr. Coogan said changes to the Ordinance regarding ADU's had been discussed over several meetings and the new definition came out of the current RSA, but there was flexibility as to standards that could be applied.

Chair Hebert said the big change this year on was to increase the dimensions from 750 square feet to 1,000 square feet.

Chair Hebert said off street parking was required in residential zone, but the building inspector brought up a question regarding turn arounds. Mr. Coogan replied that an applicant would be required to provide a sketch of the property and to be sure there was adequate parking as determined by the building inspector.

Mr. Morton asked what they would happen if they didn't have adequate parking and Chair Hebert said their request wouldn't be allowed Mr. Pare replied that he didn't see parking as a problem so long as they didn't pave over a septic leach field. He said they also could request a variance based on hardship if they didn't have adequate space.

Discussion ensued on the wording of the requirement or whether they should leave the decision of whether a property had adequate parking space up to the building inspector. Mr. Phillips suggested putting in a requirement for adequate off street parking for each dwelling.

Pw p 5 3rd line down shld incld that SHALL be maintained

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Mr. Pare said they couldn't legislate a number that would work everywhere so he suggested they say "adequate off street parking with spaces for a minimum of three vehicles on the property with a turnaround SHALL be maintained.

Chair Hebert said the intent of an ADU was to allow a family to put a small addition on to take care of family members needing care and he didn't want to drive costs up so he thought parking could be gravel instead of paved. He said previously duplexes were the only options, but they required separate utilities and it had come to their attention that numerous illegal in-law apartments had been created around town.

Mr. Coogan suggested they didn't need another public hearing unless they were considering substantial changes. Chair Hebert replied that he wanted to schedule another hearing on January 9, 2017.

B) Article IX Signs: in response to U.S. Supreme Court ruling, Reed vs. Gilbert

Mr. Coogan stated that this item was based on a church in Arizona that wanted to put up signs for temporary worship in another building and were denied so they went to Supreme Court and it was determined that they couldn't deny signs based on content. Mr. Coogan said he reviewed the proposed changes with Planning Board counsel, Attorney John Ratigan.

Chair Hebert recommended the amendment.

Mr. Pare said the Board had also discussed new lighting technology and the appearance of neon signs. Chair Hebert agreed that they should adopt changes in Section 8.

Mr. Coogan also suggested that they check with the fire chief regarding the section on wattage and possibly delegate it as a code issue for the building inspector.

Mr. Pare suggested deleting the reference all together.

The public hearing on these items was continued to January 9, 2017.

C) Add definition of Heavy Manufacturing and Light Manufacturing

Chair Hebert said it had come to his attention that there was no definition of heavy or light manufacturing in the Ordinance so he asked Mr. Coogan to provide a standard definition. He said he would also like to say to be determined by the Planning Board if use not listed.

Mr. Phillips said the definition listed in Wikipedia listed manufacturing contained in a building as light and heavy manufacturing requiring cranes or forklifts. He said light manufacturing should say it was limited to a gantry of 10 tons within a building with no exterior storage of parts.

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Mr. Phillips went on to read the City of Dover's code that stated light manufacturing was carried on within a structure and no outside storage and anything beyond was considered heavy manufacturing.

Alternate Board member, Peter Welch suggested that a crane could operate under a roof. Chair Hebert replied that the building would need to be totally closed. Mr. Phillips said a crane had a capacity of 10 tons and Mr. Pare said 10 tons was acceptable.

Chair Hebert said Patterson Lane was surrounded by light manufacturing, industrial and waterfront industrial and office zoning with waterfront with no transition zone, which was a thorn in the Town's side.

Chair Hebert said he would also like to strike mining as it was not applicable.

D) Discussion regarding the removal of hotels as principal use permitted in the Office District (O), DZO Article III, Section 2

Chair Hebert stated that last year they changed the Ordinance thinking from a point of safety where places of worship, but the left conference centers and hotels in and in retrospect he realized they should remove hotels as well for easier evacuation in case there was an accident in the nearby Industrial Zone.

Chair Hebert said one hotel had already been approved off Woodbury Avenue and he was not sure if the approval was still valid considering how much time had lapsed and the State extended from extensions from four to six years. Mr. Pare said he thought that site might be at a safe enough distance if there was a benzene release from the power plant, but it might be a good idea to confer with Town counsel to avoid conflicts when they returned for an extension.

Chair Hebert commented that his concern with approving another hotel in town was that he was told that the Town had to pick up the bill for hotel guests that then declared homelessness.

Chair Hebert asked if the Board wanted to make the change. Mr. Pare asked if hotels were permitted in the Commercial Zone and Mr. Coogan said hotels were listed as permitted use in both Commercial and Industrial Zones.

Mr. Phillips commented that Shattuck Way was more of the Highway/ Office District.

Mr. Phillips referenced an article he found listing statistics on hotels in Portsmouth with an assessment \$175 million, 2.5 million dollars in taxes, 75% occupancy rate at an average charge of \$135 per night bringing in \$66 million per year, plus \$75 a day in food sales bringing in \$100 million a year along with \$900 million in meals and room taxes a year.

Mr. Phillips went on to say the assessment per acre in Portsmouth averaged to \$4.5 million per acre with hotels and Newington had nothing that close, even with the power plants.

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Chair Hebert commented that he would be concerned whether the Town had adequate fire apparatus for multiple storied hotels. Discussion ensued regarding height limits. Mr. Pare suggested they also consult with the fire chief on how high their ladders could reach.

Chair Hebert said he was also concerned with the extra costs for police and welfare services. Mr. Phillips replied the hotel full of welfare recipients in Newington happened twenty-five years before. He said he called the Portsmouth School District to ask how the director of homelessness how many homeless kids there were and they said they weren't sure because Portsmouth had the Cross Roads homeless shelter.

Mr. Coogan agreed that Portsmouth had a hot tourist market and that Newington had a larger waterfront industrial corridor. He went on to say that the hotel that had been approved off Woodbury Avenue had not been built because the developers determined that there was no market for that location. Mr. Phillips replied that the Spaulding Turnpike exits entering Newington would be excellent locations for hotels. Chair Hebert agreed that was the reasoning for a highway overlay district.

Mr. Phillips added that the town of Newburyport only had three inns, but made no plans for hotels so many lodgers stayed in the surrounding towns, including Portsmouth. Chair Hebert asked if Newington wanted to look like Portsmouth, be like Newburyport, or continue with open space as it had. Mr. Phillips responded that the Bolger book described the five faces of Newington because of its diversity and hotels across the highway could bring in revenue along with the restaurants.

Mr. Latchaw commented that it would be impossible to hold back development and allowing a hotel near the Spaulding exits made sense, especially if the malls continued to decline.

Mr. Pare and Mr. Weiner both agreed that they needed to consider creative development on other side of the highway.

Chair Hebert said his concern was when the Board approved one kind of development and then it turned into something different that was not intended, such as approving a hotel that turned into a car dealership lot. He added that they also needed to consider that more property would become available for development once Newington Energy sold.

Mr. Weiner said the Office District was quite sizeable along Shattuck Way and suggested they also consider what other uses might be open to hazards in the Industrial District. Mr. Pare said he thought they got most of them last year and Chair Hebert agreed.

Mr. Pare commented that he thought the Office Zone did need to be reconfigured with highway services because some applications would be okay while others would not. Chair Hebert agreed that a highway overlay might be okay, but he expressed concern with the appearance from transient travelers trashing gas station, convenience stores and restaurants at the town's entrance. He said it would also bring a lot of traffic to town as was evident since the increased use of GPS that alerted travelers to the cut

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through during highway construction.

Chair Hebert thanked Zoning Board Chair, Matt Morton and Vice-Chair Ted Connors for attending the discussion at his invitation. He said the Planning Board was not trying to tell the Zoning Board what do, but they wanted to keep communication between the boards open. Mr. Morton commented thanked Mr. Hebert, but pointed out that the Zoning Board's counsel advised them that they were to make decisions independently without influence from other boards.

Note: *Second Public Hearing will be held on Monday, January 9, 2017 at 6:30 p.m.*

5) **Correspondence and Status Report** by Town Planner

Wilcox Way: Plan Update

- Mr. Coogan announced that construction of Wilcox Way began on November 28, 2016.
Mr. Coogan announced that there would be a tour of the Wilcox facility on Thursday, December 15, 2016.
Chair Hebert announced that Wilcox Industries had received Product of the Year from the NH Governor's Office.
- Mr. Coogan stated that the Town was working on reaching a consensus approach to the cutting of trees proposed by the Pease Development Authority.
- Mr. Coogan announced that Rockingham Planning Commission (RPC) had provided a proposal for the Town Master Plan Vision statement, Land Use Chapter, Phase II of Housing and Transportation and a public survey.
Chair Hebert said he expected work on the updates to be a two-year project.
Mr. Coogan said the discussion would continue January 9, 2017.
- Mr. Coogan announced that the RPC Transportation advisory committee was looking for another representative from Newington

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Minutes: *Jack Pare moved to approve the Minutes for the November 14, 2016 meeting with corrections as noted. Mark Phillips seconded, and all were in favor.*

Adjournment: *Mark Phillips moved to adjourn the meeting. Jim Weiner seconded the motion and the meeting adjourned at 9 p.m.*

Next Meeting: January 9, 2017

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

These Minutes were approved and adopted at the January 9, 2017 Planning Board Meeting