

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

Meeting Minutes, Monday, April 23, 2018

- Call to Order:** Chair Denis Hebert called the April 23, 2018 meeting at 6:07 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Jim Weiner; Rick Stern and Peter Welch; Board of Selectmen’s Representative, Ken Latchaw; Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Bernie Christopher
- Public Guests:** Rob Pruyne, GISP and Theresa Walker with Rockingham County Planning; Attorney Steve Roberts; John Lorden, P.E. with TF Moran; Steve Haight with Civil Works New England; Ken Anderson with Riverside Pickering Marine; Town Counsel, Attorney John Ratigan

**I) Master Plan:** Update from Rockingham County Planning

Rob Pruyne, GISP and Theresa Walker with Rockingham County Planning (RCP) met with Board members to update their work on the Newington Master Plan.

Mr. Pruyne presented their “Build Out Analysis” that would show the current maximum growth capacity of the town to be used as a tool for planners to analyze current land use and compare different future scenarios. Mr. Pruyne noted that maximum build out never actually happened, but it was a tool to show maximum density based on current zoning.

Town Planner, Gerald Coogan asked Mr. Pruyne if frontage requirements were included in their calculations and Mr. Pruyne replied that setback requirements were considered, but frontage was not because of the possibility of new roads.

Ms. Walker briefly reviewed the compilation from the resident surveys and public visioning sessions, noting that the repetition of familiar themes from the 74 survey respondents and 15 visioning session participants.

Board member, Jim Weiner asked Mr. Pruyne and Ms. Walker to forward the presentation to Mr. Coogan.

Vice-Chair Cross stated that he wanted to utilize RPC for their strengths in build outs, graphs and maps. Mr. Pruyne stated that more material could be prepared by June 2018. Chair Hebert added that the Board could hold a Master Plan work session.

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**II) Public Hearings:**

- a) Continuation of Site Review for a **100-room hotel** proposal by **Anthony DiLorenzo** for property located at 2061 Woodbury Avenue, Tax Map 27, Lot 2.

Chair Hebert stated that the application was not ready for final approval, but that he wanted a meeting to resolve the Department of Transportation (DOT) construction issues and curb cuts as presented in DOT's recent letter.

Mr. Coogan stated that he met with DOT and District 6 in late March 2018 to discuss the Town's preference for limiting curb cuts on the high traffic area of Woodbury Avenue that connected the Spaulding Turnpike to Shattuck Way on Piscataqua Drive and Gosling Road.

Mr. Coogan said they also discussed the back-access drive proposal from Piscataqua Drive that would connect the property owner's two lots. He noted that both DOT and the Board first preference was for a single, shared entrance for both lots off Woodbury Avenue, but the Board understand the desire for a separate entrance for each lot. As a second option with separate entrances for each lot off Woodbury Avenue, the DOT agreed with the Board's preference for a right-in only with an extension of the median strip up to the second lot to prevent left turning traffic.

Mr. Coogan went on to say that they also needed to discuss their utility plans as the Town sent a letter to all property owners so that all utility work would be done before August 30, 2018 because there would be a five-year moratorium due to DOT's upgrades on Woodbury Avenue.

John Lorden, P.E. with TF Moran's stated that he had talked with Jim Hewitt at DOT earlier in the day and said DOT seemed flexible working with the Town and wouldn't go against.

Mr. Weiner commented that he thought the median should be extended as far as the second lot if they wanted a separate curb cut. Chair Hebert agreed if they wanted both a right-in and right out for the second lot but noted that DOT expressed concern with a change in traffic to the Olive Garden and National Tire and Battery (NTB) access. Attorney Roberts replied that traffic already cut across Woodbury Avenue without signals. Chair Hebert replied that traffic was not allowed to cut across Woodbury Avenue, but the signs were removed. He added that Town engineering consultant, Eric Weinrieb with Altus Engineering also recommended that the median be extended.

Attorney Roberts stated that they understood the Board's concern with extending the median for a right-out on Woodbury Avenue for the hotel lot, but their traffic expert stated that the curb cut for the second lot already had a right-in and right-out, which was 600 feet away from the intersection and Board of Selectmen's representative, Ken Latchaw asked if they were saying that a curb cut for the second lot would never be closer than 600 feet from the intersection. would be closest ever come to intersection. Attorney Roberts replied that he couldn't say for certain if it wouldn't move closer as they didn't know for certain what the use would be, but he didn't imagine getting closer because of the easement and it could be a condition of approval if it meant expediting approval.

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Mr. Coogan asked if the applicant would agree to covering the costs of extending the median as an offsite improvement and Attorney Roberts said they would.

Mr. Weiner commented that he thought the hotel property would have more value with a single, shared curb cut with a wayfinding sign, plus additional sign on the hotel. Attorney Roberts replied that two signs would require a variance from the Zoning Board of Adjustment (ZBA) and there would be no guarantee that their request would be granted. Mr. Weiner replied that he would recuse himself as the Planning Board representative if they went before the ZBA if Mr. DiLorenzo was interested in a shared entrance.

Attorney Roberts stated that Mr. DiLorenzo wanted to be sure that there would be a dedicated entrance for the second lot because he didn't know what the use would be. He added that the placement of the easement could also be an issue because Eversource was not as agreeable to negotiating an easement as Public Service of New Hampshire used to be.

Attorney Roberts asked the Board to take a straw poll as to whether the Board would want the right-in and right-out curb cut for Lot 2 to be no closer than 600 feet from the intersection traffic signal and if they would want the median extended to the curb cut. Chair Hebert suggested that the Board of Selectmen might prefer extending median to the TD Bank lot line as part of the 2018 construction plan for Woodbury Avenue. Mr. Latchaw responded that he didn't think that would happen because of excessive cost, but he did think that the applicant should extend the median past the right-in/right-out curb cut for safety's sake. Chair Hebert commented that the Board also needed to consider the placement of the curb cuts even when the application went away. The Board unanimously agreed on the above preferences.

Discussion continued regarding underground utilities with Chair Hebert asking if the sewer line easement would remain and if easements would be written. Mr. Lorden replied that they would not be changing anything, adding that they were committed to replacing one sewer manhole and would scope the rest of the line to be sure okay.

Chair Hebert asked if there would be a cost sharing mechanism for upgrades between the applicant and TD Bank. Attorney Roberts replied that he thought the bank tied in at the Newington Waste Water Treatment lot. Chair Hebert asked that they confirm the location of sewer lines for all three lots to be sure there wasn't an issue.

Chair Hebert also asked about the electric, telephone and water utility connections. Mr. Lorden replied that both commercial and domestic water would come in from Piscataqua Drive. Mr. Lorden added that they were applying to the City of Portsmouth Water Department for a four-inch stub for the domestic connection and an eight-inch stub for the fire for both lots.

Mr. Lorden stated that there was one fire hydrant on Piscataqua Drive and that Newington Fire Department recommended another connection at the front of the building. Chair Hebert recommended connecting the fire hydrant before the construction moratorium went into effect.

Town counsel, Attorney John Ratigan stated that the applicant would need to coordinate with DOT and the Town if they were to do any digging in the right-of-way that would affect Town's construction project and Mr. Lorden agreed.

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Chair Hebert continued the hearing to May 14, 2018.

*Attorney Ratigan left meeting at 7:52 p.m. at this point in the meeting.*

- b) Continuation of Site Review for expansion proposal by **Riverside Pickering Marine** at 34 Patterson Lane, Tax Map 19, Lot 6.

Mr. Coogan stated that the applicant attended a Technical Review Committee meeting with Town engineering consultant, Eric Weinrieb with Altus Engineering, the building inspector, fire and police chiefs, and road agent and that the minutes of the meeting would be available in a couple of days. He added that Mr. Weinrieb would have a review letter ready in a week so that the applicant could respond for the next meeting on May 14, 2018.

Steve Haight with Civil Works New England updated the Board with their plans for an addition and two new accessory buildings, a gravel parking and loading area, landscaping and fencing at the site based on previous conversations with the Board.

Mr. Haight stated that they had moved one of the buildings and rotated all the doors to face inside the site to reduce noise to the surrounding area.

Mr. Haight went on to say that the dry storage building would have utilities for heat and lights and they had a letter from the City of Portsmouth Water Department to bring in a six-inch water line to add sprinklers to one of the buildings as required.

Mr. Haight noted that they would remove pavement in the Town right-of-way, increase the shoulder width to four feet of gravel on their side of Patterson Lane, move the handicapped closer to entrance and parking in the front. Mr. Haight explained that the site required 44 parking spaces, but they only needed 18 spaces, so they were requesting a waiver, noting that they could create more parking from the storage space if needed.

Mr. Weiner asked why they would need a waiver if they striped the parking lot. Mr. Haight replied that they did the drainage analysis for a paved lot but showed gravel on the plan because of the cost. He explained that they might pave in the future, which would require a plan for 44 parking spaces. Chair Hebert suggested that instead of requesting a waiver, they could show the site as paved for 44 striped spaces that could be paved gradually.

Mr. Weiner commented that he had been under the impression from previous discussions that crushed stone would be used on the lot instead of pavement. Mr. Haight replied that the drainage computations were based on 98% pavement and 96% gravel at Mr. Weinrieb's recommendation. He added that there would still be landscaping and a wetland pond in front.

Chair Hebert requested that the plan should show where parking, turn arounds, fire truck access and snow removal would be to avoid collisions. Mr. Haight replied that there would be sufficient area for fire trucks and tractor trailers to come and go and the finished product and snow would only be in temporary laydown areas.

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Mr. Haight reviewed the second waiver request to allow 5.8% of pavement coverage, 11.6% of building coverage and 38% of gravel parking for a total of 55% of impervious surface coverage.

Mr. Haight also reviewed the next waiver request from the minimal lighting criteria as they only needed a couple of security lights around the building and office entrance. Chair Hebert replied that less lighting would be better, and that the requirement was written for the Commercial Zone. He added that they needed to be sure that the lighting be pointing down so that it would not blind an abutter or driver.

Board member, Rick asked if the office would be gated at night. Mr. Haight replied that the office area would be gated off and there would be a Knox box for police to access the lot through the gate.

Mr. Weiner asked what about the piled-up storage and equipment in their previous yards and what they would do to block the view of storage from the road. Riverside Pickering co-owner Ken Anderson stated that the other facilities were jam packed and this lot would allow them to maximize their space and become more efficient with operations in the building. He added that he and his brother were aware that both large and small equipment, but the heavy marine equipment would be stored down at their dock on Shaftmaster Lane.

Mr. Haight said they would still place a standard six-foot fence and gate across the front but intended on using soil excavated from the site to create a four to six-foot berm within the 50-foot setback where they would plant a stagger of trees to create a buffer rather than build a fence considering that the cost of galvanized fencing was going up from the original estimate of \$30,000 to \$80,000.

Board member, Peter Welch asked how wide the berm would be at the bottom and top. Mr. Haight stated that it would be 18-20 feet at the bottom and three feet at the top.

Mr. Welch asked how they would prevent snow from being pushed into the berm and Mr. Haight replied that there would be a swale edge where snow could drain as it melted.

Mr. Latchaw asked if it would be difficult to stagger the tree plantings on the berm. Chair Hebert agreed that there would be a concern that planting on top of a hill wouldn't provide a good anchor for the tree roots and the trees could topple in a strong wind. Mr. Haight replied that he had already talked with landscape designer Robbie Woodburn and that four-foot-high arborvitae were available. Discussion ensued on the species of trees and it was recommended to discuss those that would be deer, disease and salt hardy, perhaps like those that Robbie Woodburn had planted between the Newington Fire Department and Public School.

Chair Hebert noted that no abutters were present for comments, so he wanted it understood that approval could be waived if the lot became unsightly. Mr. Haight stated that he would have a plan from Robbie Woodburn when they went before the Conservation Commission on May 10, 2018.

Vice-Chair Cross suggested that a wood fence on top of the berm would be useful until the trees were fully grown. Mr. Haight stated that the trees would be on the abutters side with grass on the inside.

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Chair Hebert expressed concerned that children could access the site from the abutting residential area. Mr. Latchaw commented that he was more concerned with kids skating on deep detention ponds during winter. Chair Hebert said he understood both concerns. Mr. Anderson replied that the fence was for proposed for aesthetic coverage and not security and the children could still climb over the stone wall from by Shattuck Way anyhow. He went on to say that they could consider putting up a shorter cedar fence on top of the berm, but the expense due to the current tariffs on galvanized posts alone were cost prohibitive. Mr. Haight added that there would be a security camera and they also talked with the police chief who didn't think there would be a problem.

Vice-Chair Cross asked if any there would be any curbing for the front parking area to prevent trucks from rolling into the pond. Mr. Haight replied that it only dropped a foot and a half if a truck went off grass and there would be no transient traffic. He added that there also was a stone wall that they were continuing along Patterson Lane.

Discussion ensued regarding the depth and width of the gravel on the shoulder. Mr. Haight stated that Mr. Weinrieb had reviewed their plan and they were using the same material recommended by the DOT at the edge of the road. He added that Mr. Weinrieb recommended the 30-foot-wide radius with gravel four feet deep at the entrance and base of the stone wall. He added that the stonewall essentially ran along the property line.

Mr. Anderson stated that he would have no objections to adding directional signs at the entrance if the engineers thought it necessary, but he would object graveling the entire front because there wasn't a lot of property space, which would compromise their landscape plan. Vice-Chair Cross commented that he thought five feet was already in the subdivision approval and deed for road expansion, but he would settle for four feet if Mr. Weinrieb recommended it as sufficient.

*Rick Stern moved to grant a waiver from the minimum site lighting requirements and approve the proposed site lighting that would illuminate the office parking lot and areas around the building with wall pack lighting on the buildings. Jim Weiner seconded the motion, and all were in favor.*

*Rick Stern moved to grant a waiver that would allow 18 parking spaces, including one handicapped space for this use, with the availability of the required 44 parking spaces for a subsequent owner if the use changed. Jim Weiner seconded the motion, and all were in favor.*

Chair Hebert stated that he wanted to wait for more information regarding the impervious surface, but he and Mr. Haight both agreed that they wanted the plan to show the site as paved.

*Rick Stern moved to grant a waiver of impervious lot coverage contingent upon Town consultant, Eric Weinrieb final approval. Chris Cross seconded the motion, and all were in favor.*

Chair Hebert continued the hearing to Monday, May 14, 2018. Mr. Coogan reminded the applicant to provide Mr. Weinrieb with updates by May 2, 2018 in preparation of the meeting.

**II) Updates:** Town Planner Update:

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Mr. Coogan passed out newly updated Zoning Ordinance books.

### III) **Other Business:** Election of Planning Board Officers

*. Jim Weiner moved to nominate Denis Hebert as Chair. Rick Stern seconded the motion, and all were in favor.*

*Jim Weiner moved to nominate Chris Cross as Vice-Chair.*

Vice-Chair Cross suggested that someone else might want to serve as Vice-Chair, but no one volunteered for the position.

*Peter Welch seconded the motion, and all were in favor.*

Chair Hebert informed the Board that he had recently spoken to the Board of Selectmen regarding the position of a Planning Board representative sitting on the ZBA and they were currently looking into the matter further for clarification. Mr. Latchaw added the Board of Selectmen would schedule a meeting to discuss the matter further and invite Chair Hebert.

Chair Hebert commented that it had been the Board's practice for 30 years and he was not sure what had changed. Mr. Weiner commented that he thought it had been part of a Town warrant article. He added that the question had been brought up several times with Town counsel and the ZBA's counsel as well and both times it was determined that it was allowed. Mr. Latchaw said it was unclear whether there was a warrant article that was still in effect, but they knew it was unusual for someone to serve on multiple boards because it could create a slippery slope if a decision was called into question.

Chair Hebert commented that he thought it would involve discussion and a Town vote and he found it hard to believe that they had been doing it wrong for so long. Mr. Latchaw replied that it was not so much a question of whether it was allowed, but rather about limiting the Town's liability if any decisions were called to court.

Chair Hebert recommended that the Board hold off on nomination of the representative to the ZBA until he met with the Board of Selectmen.

### III) **Additional Discussions:**

Vice-Chair Cross commented that the 200-foot buffer for the Residential Zone on Patterson Lane had been created to prevent Public Service of New Hampshire from building a nuclear power plant near Newington Point years ago, but he thought the Board should consider an amendment to rezone Patterson Lane to Industrial use up to the 200-foot buffer and the point to prevent additional houses being put up, which would contribute to the septic demands in the sensitive area. He went on to say that the existing homes would be grandfathered until they were bought out for industrial use.

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Vice-Chair Cross also noted the recently developed micro community behind McKinnon's grocery store on Lafayette Road in Portsmouth as an example of innovative housing, however it was noted that the residence was costly.

Mr. Weiner commented that he thought that there should be a limit to the size of a caretaker's residence considering that a 2,400 square foot house for the newly Storage Barn on Beane Hill was allowed in the Industrial Zone. Chair Hebert replied that the two-bedroom residence was designed for the family of the caretaker that was working at the storage facility.

**Minutes:** Chair Hebert stated that he had not read the March 26, 2018 Minutes. Rick Stern suggested tabling approval to the next meeting.

**Adjournment:**

*(A momentary outburst from a Board member occurred prior to adjournment).*

*Rick Stern moved to adjourn the meeting. Mr. Weiner seconded the motion and the meeting adjourned at 9:23 p.m.*

**Next Meeting:** Monday, May 14, 2018

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

*These Minutes were approved and adopted at the May 14, 2018 Planning Board Meeting.*