

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, May 22, 2017

Call to Order: Chair Denis Hebert called the May 22, 2017 meeting at 6:30 p.m., followed by the pledge of allegiance.

Present: Chair Denis Hebert; Vice-Chair Christopher Cross; Board Members: Bernie Christopher; Jack Pare; Mark Phillips; Alternate, Peter Welch; Board of Selectmen's Representative, Mike Marconi; Planner, Gerald Coogan and Jane Kendall, Recorder; Town counsel, Attorney John Ratigan

Absent: Jim Weiner and Alternate, Ken Latchaw

Public Guests: Attorney Bernie Pelech; Joe Coronati with Jones and Beach Engineering; Michael Berounsky; Josh Blaisdell; Attorney Kevin Baum; Constantine Routetski; Attorney Tom Keen; Chris and Laura Rogers; Attorney Steve Roberts; Anthony DiLorenzo; John Lorden with TF Moran's MSC Engineering; Maria Stowell with Pease Development Authority; Andy Johnson; Peter and Gail Johnson; Erol Moe and Peter Beauregard with Stoneface Brewing; Ted Mooney; John Chagnon with Ambit Engineering

Public Hearings:

1) **Old Business**

- a) Continuation of proposal by Michael Berounsky for a Subdivision regarding property at 30 Swan Island Lane, Tax Map 53, Lot 9.

Note: Board member, Peter Welch recused himself as an abutter.

The applicant's counsel, Attorney Bernie Pelech stated that the applicant and his engineer, Joe Coronati with Jones and Beach Engineering had tried to come up with a plan that would create the 200 feet of frontage required for the subdivision that would be good for everyone and then reviewed the history of previous plans.

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Attorney Pelech said they would like to return with another plan for next meeting, but they were afraid one abutter or the other wouldn't like the plan so they requested feedback from the Board as to which plan would be most appropriate.

Vice-Chair Cross replied that the difficulty was in reviewing a plan that did not comply with the Subdivision Regulation requirements of 200 feet of frontage for two acres per dwelling, and upon reflection many suggestions turned out to have problems, Vice-Chair Cross went on to say that it wasn't in the Board's purview to design a subdivision for the applicant, but it was in the applicant's capability with a six-acre parcel to come up with a suitable plan that would not alter the roadway that was built 25 years ago.

Attorney Pelech responded that Carbeno vs. Rye determined that Planning Boards had a duty to assist applicants with suggestions, especially after they had reviewed and objected to so many plans. Chair Hebert replied that the Subdivision Regulations were clear and Mr. Coronati knew what was required. He said they were told at some point that there was plenty of land to extend a road built to Town specifications on the applicant's property that would create the necessary frontage, but they preferred to go before the Zoning Board of Adjustment (ZBA).

Chair Hebert said meetings cost the applicant in engineering and attorney fees, it cost the abutters in attorney fees and it also cost the Planning staff time to review the plans. He said none of the plans were the Town's plans and the Board was wary of going back and forth so it was up to the engineer to work out.

Attorney Pelech stated that Town Planner, Gerald Coogan asked him to write a letter and then they would sit down with Town engineering consultant, Eric Weinrieb with Altus Engineering and Town counsel, Attorney John Ratigan to determine a plan that would meet everyone's approval. He said Mr. Coronati could have come up with a better plan that met all the requirements that didn't affect the abutters, however he never received permission to speak with Mr. Weinrieb or Attorney Ratigan. Chair Hebert replied that it was Mr. Weinrieb's job to review the engineering details of a plan that met the subdivision requirements, but it was not his job to design a plan. Attorney Pelech said he knew of no plan that would meet the approval of all the abutters, but they wouldn't be voting on the application.

Board member, Mark Phillips asked if the applicant and his engineer had sat down with Mr. Coogan to discuss various possibilities before taking up the Board's time. Mr. Coogan said the applicant, Michael Berounsky and he had talked several times and he had suggested that the tear drop shaped cul-de-sac plan seemed to be the most likely to comply, but the abutters, Chris and Laura Rogers were not pleased with that plan because it would require them to lengthen their driveway.

Attorney Tom Keen, legal counsel for abutters, Chris and Laura Rogers said they all had one meeting and then the applicant went to the ZBA for a variance to accept frontage on the Town right-of-way, but it was determined that it was not legal. He said

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they thought the applicant would then present the tear drop plan with a narrower road that would create sufficient frontage.

Attorney Kevin Baum, counsel for abutter, Constantine Routetski said the Board had been explicit that they wanted the applicant to meet with abutters, but they only had one meeting between Thanksgiving and Christmas. He said they received an email with the current proposal and he replied that it would not be acceptable to his client. He said his client was happy to discuss options, but it was up to the applicant to show a good faith effort only it didn't happen. Attorney Pelech replied that Attorney Baum was not at the last meeting when they came up with the tear drop plan.

Chair Hebert asked what inhibited Mr. Coronati, the applicant's engineer from coming up with a plan. Mr. Coronati replied that none of the eight to nine options presented were looked upon favorably by abutters, Mr. Weinrieb or Mr. Berounsky.

Mr. Phillips commented that a single peanut shaped cul-de-sac would take six revolutions for a plow truck to plow while two cul-de-sacs would take twelve revolutions so he failed to see why they would be advocating an additional cul-de-sac that would create twice the maintenance for the Town. Vice-Chair Cross replied that the Town was familiar with current design regulations, but they had no way of knowing for certain if the peanut shaped design would be more difficult to plow as Mr. Weinrieb had suggested, but they shouldn't find out on the applicant's nickel.

Chair Hebert asked why they weren't coming back with the tear drop design that the Board was willing to vote on in February before they went to the ZBA. Mr. Coronati replied that his modification had an easier in and out, but both still involved with moving the Rogers' driveway. Board member, Jack Pare reminded them that they had also brought forward another plan that resembled a backwards "P" that was similar.

Attorney Keen commented that it made sense to review a design that would leave the existing cul-de-sac as it was and take the road deeper into the Berounsky property, which would create the two lots and would not impact either client.

Attorney Baum stated that his client would be happy to have a conversation outside of meeting to discuss and draw out options.

Chair Hebert stated that the Routetski's had no right to views from their property, but the Rogers had met Town requirements when they built their driveway and asked applicant if they would compensate them. Mr. Berounsky said they offered to extend the Rogers' driveway, but then the Rogers said they wanted an additional \$50,000 compensation.

Mr. Berounsky stated that neither the Rogers nor the Routetski's went around the cul-de-sac and another cul-de-sac would only be used by his daughter when her house was built. He said he had already spent \$20,000 on engineering designs and attorney fees and the problem was not in changing the cul-de-sac or that it would be too close to Mr. Routetski's yard, but that Mr. Routetski was bothered by another house blocking his view.

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Attorney Baum replied they understood the limitations of zoning, and it would be fine if an additional cul-de-sac worked, but the peanut shaped cul-de-sac would invade the Routetski's backyard privacy.

Chair Hebert said the peanut plan would be a non-conforming design and someone else would say an additional cul-de-sac would double the asphalt.

Board member, Bernie Christopher said Mr. Coogan could give bullet points, but it was the applicant's responsibility to present something that wouldn't affect the Rogers.

Mr. Phillips asked if the applicant was restricted from talking to Mr. Weinrieb. Chair Hebert replied that Mr. Weinrieb was not paid to design a plan, but was paid to review it. Mr. Coogan added that once an approvable plan was presented, it would be send to Mr. Weinrieb for review.

Mr. Berounsky asked if it made any difference whether Mr. Weinrieb liked a plan or not so long as it was legal? Vice-Chair Cross replied that he was mischaracterizing the Town's engineering consultant. He said it was not a matter of whether he personally liked a plan, but whether the plan met the Subdivision Regulations or intent of the Ordinance. Mr. Berounsky replied that Mr. Coronati would design something that did.

(Board of Selectmen's Representative, Mike Marconi arrived at this point of the meeting at 7:13 p.m.)

Chair Hebert closed the public hearing and opened the discussion with the Board.

Chair Hebert reviewed the plans that had been presented. He commented that the Board had asked the applicant and the abutters to work out a solution for everyone, but they were unable to and were asking for the Board's assistance. He stated that the two legal choices were the peanut shaped cul-de-sac or the teardrop shaped cul-de-sac. He said they hadn't seen details yet, but the tear drop cul-de-sac design appeared to be acceptable, but it affected Rogers who would need to extend their driveway, and the Routetski's objected to the peanut shaped cul-de-sac.

Discussion ensued regarding making a motion on the application. Vice-Chair Cross said it came down to resubmit an engineered plan for review and present to Mr. Weinrieb or make a motion to deny without prejudice and invite the applicant back to resubmit another design. Attorney Pelech commented that the Board was required to act on the plan, not the application. Mr. Coogan said the plan presented in August 2016 was the plan on record. Attorney Ratigan replied that they could also deny the proposal.

Vice-Chair Cross moved to deny the proposal by Michael Berounsky for a Subdivision regarding property at 30 Swan Island Lane, Tax Map 53, Lot 9 without prejudice and invited the applicant to resubmit a new application at a later date. Mike Marconi seconded the motion for discussion.

Mr. Pare commented that it would still be possible to return with a plan for review next week.

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Attorney Ratigan said it was unusual to have a cul-de-sac off a cul-de-sac and they should keep in mind that it was not exclusively in the Planning Board's purview and the concept should be run past the Board of Selectmen before anyone spent more time and money on the design. Mr. Pare commented that it was more common in other states.

Vice-Chair Cross stated that the Board could accept and approve a design that the Board of Selectmen would not approve. Town Ratigan replied that 90% of the designs that met regulations were accepted by the Selectmen.

Mr. Christopher commented they had seen so many plans that he was not sure what denying.

Mr. Phillips suggested that they spend the money to have the applicant sit down with Mr. Weinrieb to come up with something everyone was comfortable with instead of the Planning Board's time. Mr. Pare concurred.

Chair Hebert replied that would put Mr. Weinrieb on the spot to second guess the Board. Vice-Chair Cross suggested they could ask him to evaluate the plan to determine if it met the Subdivision Regulation requirements. Mr. Coogan said they could meet with Mr. Weinrieb in six to eight weeks to give Mr. Coronati time to draw up the plan.

Chris Cross moved to withdraw his motion to deny the proposal by Michael Berounsky for a Subdivision regarding property at 30 Swan Island Lane, Tax Map 53. Mike Marconi seconded the motion

Chair Hebert reopened the public hearing. He noted that the attendance of the abutters and their attorneys was costly. Attorney Baum commented that the abutters didn't need to be involved in the design process and Chair Hebert agreed.

Chair Hebert continued the meeting to July 10, 2017.

Mr. Welch returned to his seat.

- b) Continuation of Design Review by 2061 Woodbury Avenue, LLC for a two-lot subdivision hotel and additional development to be determined at Tax Map 27, Lot 2.

Attorney Steven Roberts and John Lorden with TF Moran's MSC Engineering appeared before the Board, along with the applicant, Anthony DiLorenzo.

Chair Hebert informed the applicant and the Board that the hearing was for informational purposes and to serve as a place marker to avoid losing options if the Ordinance change. Mr. DiLorenzo stated that it currently cost him \$15,000 a month to carry the property and so he wanted to be sure to keep his place keeper on the current Ordinance.

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Mr. Lorden stated that they had talked with Jim Teetzle with Wilcox Industries, but had reached no formal agreement regarding parking.

Mr. Lorden stated that the original plan was for a hotel on one parcel and an as yet undetermined use on the second parcel. Mr. Lorden presented Option A and Option B plans

Mr. Lorden stated that Option A was the preferred choice of the applicant would reduce three curb cuts to one that would serve both lots. He reminded the Board that a year and a half ago he had presented photos to former Town Planner, Tom Morgan and the Board that showed what the development would look like with Key Auto on the corner and the hotel on the other lot. He said no relief would be required for the applicant's Key Auto business on 2025 Woodbury Avenue to be razed and then redeveloped on the second lot, but a variance would be required for commercial use of the 100 room, 4-story hotel and in the Office Zone on the corner of Woodbury Avenue and Piscataqua Drive.

Mr. Lorden explained that Option B would require no subdivision for a hotel, the three curb cuts would be reduced with a connector road between the hotel and the additional parking would be characterized as an accessory use for the hotel.

Vice-Chair Cross stated that Option A would require rezoning and a town vote next March. Mr. Pare suggested a hybrid Option C could put the parking to the left of Option A, which would be conforming. Mr. DiLorenzo said he had not talked with Jim Teetzle with Wilcox Industries yet to determine whether the shared overflow parking would be temporary or long term.

Chair Hebert noted that they originally stated that they would only serve a continental breakfast at the hotel and asked if they were considering a restaurant. Mr. DiLorenzo stated that they wouldn't want restaurant because that would require an additional variance.

Chair Hebert said they also discussed his concern with curb cuts on Woodbury Avenue and that they had briefly discussed a long-term plan for the development that could involve a connector road within the setback that accessed both lots, but he wasn't sure if it would be possible or if the Board was interested.

Mr. Lorden replied that this property was not that big, included wetland buffers, an easement for Eversource with poles. He said TD Bank North divided this property and the Key Auto lot and a connecting access road would take up a huge swath.

Discussion ensued regarding minimizing traffic congestion and curb cuts on Woodbury Avenue. Mr. Marconi stated that DOT was ready to go out for bids before turning Woodbury Avenue over to the Town so the curb cuts could be a problem further down the line.

Mr. DiLorenzo replied that the Board needed to acknowledge that both the hotel and the auto dealership were extremely low traffic generators.

Mr. Marconi commented that a lot of traffic entered Piscataqua Drive off Woodbury Avenue to go down Shattuck Way before going over the bridge. Chair Hebert

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commented that the controlled intersections worked well, but Shattuck Way was built as an industrial corridor for local traffic and he hoped the Spaulding Turnpike expansion would be completed in a few years. Attorney Roberts stated that they would provide formal traffic studies.

Vice-Chair Cross agreed that they wanted to minimize cross traffic.

Mr. Marconi added that they also needed to consider a pedestrian crossing at the intersection for hotel patrons to go to the malls.

Mr. DiLorenzo replied that they could discuss getting rid of the curb cuts and upgrade the former auto dealership with an access road, if the ZBA and the Board supported both the hotel and the auto dealership on the new lot; but if they didn't approve both, then they would focus on the hotel. Mr. Marconi replied that as a taxpayer he would prefer to see two buildings on two lots rather than a parking lot.

Chair Hebert agreed that Option A would need a variance and the Board would rather not encourage a change of use unless it was necessary. He went on to say that the Town would not be okay with more curb cuts on Woodbury Avenue.

Attorney Roberts replied that they understood that the State would be taking over Woodbury Avenue, but their curb cuts were grandfathered and they couldn't be taken away unless the State determined there was a safety issue, which he couldn't see with a right in and right out.

Attorney Roberts went on to say that he understood that an office building on the lot would generate more trips in peak times than Key Auto, but they could access the hotel from Piscataqua Drive and dead-end at TD Bank North. He added that Wilcox Industries was already extending Shattuck Way and would eventually connect to Gosling Road, which would take additional pressure off Woodbury Avenue.

Chair Hebert stated that he had no problem with office use, which was a permitted and did not generate that much traffic at peak times. Mr. Pare agreed that workers would arrive between 8 a.m. and leave around 5 p.m.

Chair Hebert commented that a parking lot didn't generate much income, but they could utilize the second lot for office space by connecting from Piscataqua Drive. Mr. DiLorenzo replied that it would not be ideal for 200 employees to enter and exit office space through hotel parking lot. Chair Hebert said they could reverse the hotel and put the office space on the corner of Piscataqua Drive and Woodbury Avenue.

Mr. DiLorenzo stated that an office building was an allowed use, but he couldn't speculate on an office building that hadn't been proposed by a tenant. Chair Hebert said stated that the Board would prefer not to approve a subdivision until they knew the nature of the development and that way it wouldn't require a variance for another use on a second lot.

Attorney Roberts asked if the Board would accept the applicant's design review concept to grandfather it from any ordinance change. Mr. Coogan replied that the Board engaged in non-binding discussions. Chair Hebert added that the Board could make a motion to grandfather the current Ordinance for a year. Mr. DiLorenzo replied that he

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wanted to make progress. He said RSA 676:4: IIb stated that during a public meeting the board could determine design review had ended and may inform the applicant in writing within ten days and that plan would be protected from ordinance changes.

Mr. Pare asked if the applicant would be prevented from putting the hotel on the right and put another approved use on the left lot of Option B. Mr. Coogan replied that they would be granted for use for a hotel and could put it anywhere that worked on that lot.

Vice-Chair Cross reported that the Historic District Commission (HDC) had stated that building that Great Bay Services once owned was built by an associate of the late Louis DeRochemont. He said the HDC asked if any of the building could be part of hotel and were told it couldn't but they would still appreciate access and a study done by the Department of Historical Resources. He said it would cost a couple thousand dollars for a full inventory, but they would not be obligated to preserve the building.

Mr. DiLorenzo replied that he could consider moving the building. Vice-Chair Cross said the Town didn't have any intention of moving it themselves, but they would like permission to see if another business or town would be interested in moving it. Chair Hebert commented that it was too large to move to another town. Vice-Chair Cross agreed that it was highly unlikely, but he would still forward the letter.

Chair Hebert stated for the record that curb cuts would be determined at a later time, but an auto dealership was Commercial use and was not a permitted use in the Office Zone. Mr. Christopher and Vice-Chair Cross replied that they were not opposed to a variance for an auto dealership to go into the Office Zone. Chair Hebert recommended holding off a subdivision application at this time, but suggested they connect with Mr. Coogan if opportunities came up.

Peter Welch moved to end the design review by 2061 Woodbury Avenue, LLC for a two-lot subdivision hotel and additional development to be determined at Tax Map 27, Lot 2. Bernie Christopher seconded the motion and all Board members were in favor. Mike Marconi abstained.

Attorney Roberts stated that they would return with a formal application. Mr. Lorden said he would need a couple of months to go with Option B.

2) New Business:

These items were deferred to take the next item first.

4) Driveway Permits:

- a) Request by Andy Johnson at Fabyan Point Road, Tax Map 47, Lot 47-5

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Andy Johnson presented his driveway permit request for the first lot on left of Fabyan Point Road.

Chair Hebert stated that driveway culverts were usually a condition of approval, but this driveway was sloping down from the road so he thought they might waive the requirement.

Chris Cross moved to approve the request by Andy Johnson at Fabyan Point Road, Tax Map 47, Lot 47-5 as proposed with a waiver of the culvert requirement. Mike Marconi seconded the motion and all were in favor.

Chair Hebert expressed concern with water going from Fabyan to Newington Road and stated that there could be a need for a culvert if it was redesigned. The applicant's brother and builder, Ben Johnson stated that the water already went into culvert that they installed at end of Fabyan Point Road.

- b) Request by Peter and Gail Johnson, Fabyan Point Road, Tax Map 47, Lot 47-5A

Peter Johnson presented his driveway permit request for the next lot down on the left of Fabyan Point Road.

Chair Hebert asked what the distance from the curb cut to the edge of the driveway and Ben Johnson replied that it met the minimum setback of 15 feet. Chair Hebert stated that the driveway was still sloping so they could waive the culvert pipe for this permit as well.

Chris Cross moved to approve the request by Peter and Gail Johnson, Fabyan Point Road, Tax Map 47, Lot 47-5A with waiver of the culvert requirement. Mike Marconi seconded the motion and all were in favor.

3) New Business:

These items were deferred to take the previous item first.

- a) Site Plan Review for proposal by Sig Sauer to expand parking at 72 Pease Boulevard, Tax Map 39, Lot 1.

Maria Stowell, head engineer for Pease Development Authority (PDA) informed the Planning Board that the PDA board had reviewed and approved the plan concept and then referred to it to the Town to go through a more thorough review of plan and land use controls. Ms. Stowell said the Planning Board would then make a

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recommendation back to the PDA board and their decision would become final unless appealed.

Chair Hebert announced that Joe Coronati with Jones and Beach Engineering had received letter from Town engineering counsel, Eric Weinrieb with Altus Engineering making a recommendation.

Mr. Coronati informed the Board that Sig Sauer had acquired new contracts and needed to expand their business plan. Mr. Coronati stated that the rear part of the lot sat higher than the existing parking lot by eight feet so they would need to bring it down to grade and would need to install an under drain along the edge to alleviate ground water issues.

Mr. Coronati went on to say that there was an existing drain line that ran along the parking lot that sloped toward the building so they would need to enhance it to intercept the stormwater and provide treatment

Mr. Coronati said Mr. Weinrieb met with a salesman, not the engineer that they had been working with. He said he had received comments from Mr. Weinrieb and PDA Engineering and he would return with changes to the drainage system plan on drainage system and ACF designers would provide modifications, provide R tank and focal points, mini rain gardens that provide treatment for tight locations like parking lots.

Mr. Pare noted that there was a revision to the PDA regulations regarding grassy strips, which they were waiving. Chair Hebert said the only problem with the trees they were planting to mitigate was that those trees were vulnerable to salt splash. Mr. Coronati replied that they would be 6-8 feet above the parking lot and the PDA wanted a buffer to obstruct the view of the parking lot.

Chair Hebert asked what would happen to the monitoring well to prevent contamination and Mr. Coronati replied that it was not very deep so Mike Meads recommended they contact someone from CSI. Vice-Chair Cross said the plan identified two wells, but he identified three well so they should check. Chair Hebert said they should work it out with their point of contact at the Air Force.

Vice-Chair Cross commented that rock walls had been left in place by the Air Force and that Celexica wasn't interested in replacing the rock wall when they built the site. He asked if they would consider setting any rocks they uncovered in the construction and deliver them for Newington's Historic District use. Chair Hebert replied that the Historic District would only want field stone and old stone walls, not ledge or rocks. Vice-Chair Cross replied that the Historic District already talked with the Board of Selectmen about it.

Mr. Coronati went on review the rest of the proposal. Vice-Chair Cross stated that the application and engineering met the requirements and asked if they needed to return for a technical review. Mr. Coogan said the hearing could not be closed until the changes were presented to Mr. Weinrieb. Chair Hebert agreed that that the Board should back up Mr. Weinrieb up who didn't want to second guess the Board.

Chair Hebert continued the hearing to Monday, July 10, 2017.

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3) **Preliminary Discussion:** Regarding proposal for new use and parking by Vera Roasting Company in Mooney Building at 436 Shattuck Way, Tax Map #, Lot #.

a) Stoneface Brewing Parking

Mr. Coogan said another tenant, Stoneface Brewing had 35 dedicated parking spaces, but they had a traffic problem with patrons parking along the side of Shattuck Way at peak hours, which triggered the question of parking at cocktail time 4-7 and whether there needed to be better direction for parking on the side of Shattuck Way. He said as a result they called the owner, Ted Mooney, who was responsible for the operation of the building.

Erol Moe, co-owner of Stoneface Brewing said he thought the reason overflow parking had occurred because there had been a pent-up interest in the pub from the tasting room, but he thought the honeymoon phase was over.

Chair Hebert said they were told to put "No Parking" signs up and asked why they hadn't, so why not. Mr. Moe said their failure to put up "No Parking" signs along the road was a result of the bad timing of opening when the ground was frozen, and they also should have put up way finding signs to direct overflow parking to the back. He added that there was sufficient seating, but the idea of basing parking spaces on four people per car did not work when individuals from the industrial corridor stopped by after work.

Mr. Mooney added that parking was staggered between the tenants with East Coast HVAC vans on the road during the day and the workers taking their twenty vans home for the weekend, as well as Mail Force only having two employees parking at a time during business hours.

Mr. Coogan stated that the warehouse was approved for industrial use thirty years before and the Planning Board asked that Mr. Mooney return for any tenants with a changing use except for Stoneface Brewing. Mr. Mooney replied that he had a letter that said otherwise. Chair Hebert clarified that Mr. Mooney sought a variance for a use variance in the Waterfront Industrial Zone and the condition of approval was that he would return to the Planning Board every time he leased to a new occupant. He went on to say that Mr. Mooney had petitioned the building inspector and the Town planner, but it was still part of the acceptance for new tenants. He pointed out that the State Liquor Licensing Bureau sent the liquor permit in error to Portsmouth instead of Newington so Newington was not aware in order to object before they began their operation.

Mr. Mooney stated that he recalled only having to get approval from the building inspector and the fire chief. He added that similar landlords like Allard, Pease and the Simon Mall weren't required to get Board approval when they accepted new tenants. Chair Hebert replied that those were the conditions of their variance because of limiting issues with the lot.

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Chair Hebert commented that he entered the back of the building and observed that the parking lot was full and the back parking lot was flooded. Peter Beauregard, another Stoneface Brewing partner stated that they had an engineer clear the plug.

Vice-Chair Cross wondered if they might be able to get a wetlands permit to add a connector road to more parking slots in the back if there was a need. Chair Hebert added that they might be able to add additional parking along the side entrance toward the back also.

Vice-Chair Cross pointed out that patrons wanted to park on Shattuck Way to be as close as possible to the pub entrance, but large industrial and propane trucks used the Industrial corridor at all hours and there was a concern that they might not be able to stop for someone swinging out. Mr. Moe commented that "No Parking" signs would keep honest people honest. Mr. Beauregard added that their concern was what would happen if they put signs up and caused customers to park on the other side of the street and then someone got hurt crossing the street without a crosswalk.

Mr. Marconi asked if there was a gentlemen's agreement for overflow parking in the Rockingham Electric lot across the street during off hours. Mr. Moe said they had discussed it a couple of times, but they needed to determine insurance coverage if they had a police detail for special events or just have employees park there. Chair Hebert reminded them that the Ordinance didn't allow off-site parking and they needed to recognize that the business was too large for the site if they did not have enough on-site parking.

Chair Hebert asked Mr. Moe about his email that said the Board of Selectmen and police had no problem with their parking on the side of Shattuck Way. Mr. Moe said he didn't wouldn't want to pit officials against one another.

Chair Hebert said he wanted to determine if they were maintaining their lot as agreed so Mooney's other applicant for tenancy could go in and how it would be addressed if a problem. Mr. Moe said their approval was conditional for a year. Mr. Christopher said there was a problem, but the signs were put up and then the problem was alleviated.

Chair Hebert suggested adding more "No Parking" signs in the front and another sign that there was more parking in the rear.

b) Vera Roasting Company

Mark Alvin with the New England Innovation Center appeared before the Board on behalf of Vera Roasting Company. Mr. Alvin said Glen Miller, Chair of the Computer Science Department at the University of Department was an exceptional grower and had come up with a new roasted coffee after experimenting with the antioxidant heart health benefits of infusing coffee beans with red wine that had no alcohol or change to taste.

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Mr. Alvin said they launched the product a year ago and had received coverage from Seacoast online, the Associate Press, the New York Times and the Wall Street Journal. He went on to say that currently the operation was based in Portsmouth, and the light labor involved infusing, roasting, hand parking and distribution. He said the company shipped to all fifty states, proving that the concept resonated with consumers and they eventually planned on distributing to supermarkets.

Chair Hebert asked about fumes, odors, by-products and traffic involved in the operation. Mr. Alvin said they would receive palletized green beans on trucks occasionally.

Mr. Alvin said there might be a slight burnt coffee scent during roasting times. He said he currently didn't have a schedule for the small 12 kilo roaster, which was computer controlled to maintain a temperature profile. Mr. Pare commented that he didn't think anyone would notice or object to a slight coffee smell considering there was an asphalt plant nearby.

Chair Hebert said he understood they might like to do some retail sales and he was concerned because it would exacerbate the parking situation and they couldn't do an expansion in the Industrial Zone without a variance. Mr. Alvin replied they were considering small factory store pickup with no browsing like New Hampshire Coffee off Route 155 and it would be a stretch to call it retail.

Vice-Chair Cross commented that a few cars wouldn't be much, but parking at the throat of the entrance to other businesses would create more backing around. He said expansion could be done on the side yard by Mooney if the business was successful. Mr. Mooney replied that some of the front yard was taken by DOT ten years earlier and there was a setback, but they could go into his son, David's yard within the setback. Vice-Chair Cross stated that it would be preferable to backing into oncoming traffic or parking in the front fire lane.

Chris Cross moved to approve the proposal for new use and parking by Vera Roasting Company in Mooney Building at 436 Shattuck Way, Tax Map #, Lot # tentatively with the condition that they would return in one year for review upon the establishment of parking for their operation. Bernie Christopher seconded the motion and all were in favor.

4) Driveway Permits:

- c) Request by Andy Johnson at Fabyan Point Road, Tax Map 47, Lot 47-5

This item was taken earlier in the agenda.

5) Master Plan Update

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Vice-Chair Cross presented and reviewed a list of Newington development policies that he and Mr. Welch had worked on at their last meeting, noting that they recommended changes from 13 policies to eight.

Jack Pare moved to recommend a vote of confidence in the changes to the Development Policies section of the Master Plan. Peter Welch seconded the motion and all were in favor.

6) **Waterfront Industry and Commercial District:** Identifying Permitted Uses

Chair Hebert commented that the Waterfront and Industrial uses were vague and he wanted them clarified, especially since Eversource's property on Shattuck Way was up for sale, which would have a big impact on the community.

Chair Hebert said one use might be container ships. Mr. Welch commented that he didn't think it would be a big issue because container ships couldn't get up the river. Chair Hebert replied that the new Mildred Long Bridge had been designed to allow larger ships to pass and he had been approached by someone that develops harbors for container ships a year or so before. Mr. Marconi stated that the possibility of container ships had been discussed many years ago and it was determined that they couldn't get in because of the tides and would go into Portsmouth Shipyard instead. Vice-Chair Cross noted that Portsmouth could be interested in container shipping on their north side.

Mr. Marconi suggested they contact a planning department in another harbor area for ideas and suggestions.

Mr. Coogan suggested that they do a survey to determine a starting point for permitted uses.

Vice-Chair Cross passed out a primer on Newington's Transportation Network – Arterial Corridors. He said the DOT and Rockingham Planning Commission expressed interest, but Portsmouth did not even though they were interested in connecting Shattuck Way to Gosling so they could develop the Eversource land and funnel traffic down Newington's Industrial District corridor.

It was announced the Rockingham County Planning Associate Director Glenn Greenwood would be attending the Monday, June 12, 2017 Planning Board meeting.

Vice-Chair Cross said would take comments and funnel them to Mr. Greenwood.

6) **Correspondence and Updates:** Town Planner

Mr. Coogan announced that a cell tower application would be coming in. He added that Chuckie Cheese Left and Planet Fitness were leaving their locations on Fox Run Road and a furniture store was going in.

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, May 22, 2017

Chair Hebert commented that unlike some towns, this Town wanted developers to return the Board for site reviews.

8) Appointment of alternate board members: Deferred to next meeting

Minutes: *Peter Welch moved to approve the Minutes for the April 24, meeting with corrections as noted. Jack Pare seconded, and all were in favor.*

Adjournment: *Mark Phillips moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 10:20 p.m.*

Next Meeting: Monday, June 12, 2017

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