

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, July 10, 2017

Call to Order: Chair Denis Hebert called the July 10, 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; Jim Weiner; Alternate Members: Ken Latchaw, Rick Stern and Peter Welch; Board of Selectmen's Representative, Mike Marconi; Planner, Gerald Coogan; Town engineering consultant, Eric Weinrieb with Altus Engineering and Jane Kendall, Recorder

Public Guests: Michael Berounsky; Josh and Katherine Blaisdell; Attorney Bernie Pelech; Joe Coronati with Jones and Beach Engineering; Attorney Kevin Baum; Constantine Routetski; Attorney Tom Keen; Chris and Laura Rogers; Joe Mitchell; Attorney John Lyons; Jeff Chierepko with SigSauer; Maria Stowell with Pease Development Authority; Alisha Busconi with KeyPoint Partners;

I) Old Business

A) Public Hearings:

- 1) Continuation of **Subdivision Proposal** by **Michael Berounsky** regarding property located at 30 Swan Island Lane, Tax Map 53, Lot 9.

Alternate Board member, Peter Welch stepped down during this item.

Joe Coronati with Jones and Beach Engineering appeared before the Board to present a new proposal to meet the frontage requirements for the applicant's subdivision request with no expectation of gaining any property from the Town. Mr. Coronati said the new design would push a "P" shaped cul-de-sac toward Mr. Berounsky's lot.

Chair Hebert said he thought two plans were to be presented and one involved the Town giving property back. Mr. Coronati replied that he discussed the options with Town Planner, Gerald Coogan and they agreed that it would be better not to pursue a plan that involved the transfer of property. Mr. Coogan commented that he and Mr. Coronati met in early June to discuss direction given by the Planning Board at their May 22, 2017 meeting. He said Mr. Weinrieb also provided comments and noted the merits of this option.

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Mr. Coronati said he had received review a letter from Town engineering counsel, Eric Weinrieb with Altus Engineering and he would also address those items. He said he also spoke with Mr. Coogan regarding the submission of a construction bond and a traffic management plan. He said they would probably leave the current cul-de-sac as it was for local traffic during construction.

Mr. Coronati stated that the utility transformer would be in the middle of the cul-de-sac with surrounding drainage. He said the new design entailed a super elevated road for drainage and the current drainage ditch would be maintained for drainage on the southern side, rather than installing a drain.

Chair Hebert noted that the drainage easement was not shown on the plan. Mr. Coronati replied that the easement note stated that the drainage easement was to follow drainage course. Chair Hebert stated that he would like the easement to be clearer on the drawings and Mr. Coronati agreed.

Mr. Coronati stated that the proposal would require the Chris and Laura Roger's driveway to be extended another 40 feet to the cul-de-sac and the Berounsky family would cover those costs.

Alternate Board member, Rick Stern asked if the entire road would become a Town road. Chair Hebert replied that the new portion would not be a Town road, but they still needed to discuss and determine the legal mechanism for emergency service access, including mail delivery, plowing and trash pickup.

Attorney Tom Keen, counsel for the Rogers stated that he didn't think it was legal to amend a subdivision that didn't address the delivery of public services. He said it also didn't address the added maintenance costs of extending the Rogers' driveway over time.

Attorney Keen said he had only received a copy of the plan two and a half hours earlier at 4 p.m. and he was surprised that the Board was seriously considering this plan because it was identical to the plan previously shown, which the Board had said they would prefer the consent of abutters. Attorney Keen added that there had been no additional effort by the applicant to meet with the Rogers since their initial meeting. He said it was almost as if the applicant could repeatedly return with slight variations to the same plan until the Board capitulated.

Attorney Pelech replied that he had met with Attorney Keen on behalf of his clients and this was not an identical plan. He added that it was his understanding that Town counsel, Attorney John Ratigan reviewed the proposal and determined that it met the Town's Ordinance.

Attorney Keen acknowledged that they had met with Attorney Pelech once, but stated that the Board asked that they continue to meet with the abutters to find an agreeable plan and that didn't happen.

Board member, Jim Weiner said he recalled that the Rogers had asked for \$50,000 in compensation from the applicant after they met and asked if there had been any follow up. Attorney Keen replied that there had been no response since that time.

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Mr. Berounsky commented that Attorney Keen informed him that the Rogers would be fine with the plan if they received \$50,000, but he felt that was too much. He said subsequently, Attorney Keen asked if he would make a counter offer and he told them that he was willing to himself, and he didn't see that the extension would involve a liability to the Town.

(Town engineering consultant, Eric Weinrieb arrived at this point in the meeting at 6:47 p.m.)

Attorney Keen stated that the Rogers were willing to discuss options. He said he sat with the engineer and applicant after each meeting, but none of the considerations suggested to avoid burdening abutters were shown on their plan.

Board member, Bernie Christopher commented that the issue seemed to be that the applicant had a plan, but didn't have an agreement with the Rogers. Mr. Coogan replied that the applicant appeared to have an approvable plan once they addressed design issues listed by Altus Engineering and abutters didn't have veto power over proposals that met Town regulations. He added that a construction bond would be held to insure the completion of construction.

Mr. Weiner asked how the Board could approve a proposal that required a 40-foot extension of an abutter's driveway. Chair Hebert replied that Attorney Ratigan stated that the Town had the right to approve the altering of a cul-de-sac to allow the use of someone's property if they met Subdivision and Ordinance requirements and the development didn't adversely affect an abutters home with drainage runoff, and an abutter could not trump a town from approving proposals that met those requirements.

Attorney Pelech read the motion for the Rogers' curb cut application from the October 2015 Minutes that granted approval with the stipulation that the Rogers would be responsible for extending their driveway to the cul-de-sac. Chair Hebert replied that the Board already sought an interpretation from Attorney Ratigan on the curb cut approval and discussed it at their April 24, 2017 meeting. He said the condition of approval required the Rogers to build their driveway out to the cul-de-sac if there were any changes prior to the completion of their driveway, but Attorney Ratigan confirmed that the Town could not require a property owner to rebuild an existing driveway if the cul-de-sac was moved after the fact.

Attorney Kevin Baum, counsel for Constantine Routetski commented that they didn't see any immediate issues with the proposal, although they too had only received the plans late that afternoon.

Board member, Ken Latchaw commented that he didn't understand how the abutters had only received the new proposal a few hours before the meeting. Mr. Coogan replied that a hard copy of the plan had been submitted on Thursday, June 29, 2017 and Mr. Weinrieb received a copy after July 4, 2017. He said the plan was in the Town Hall, but he hadn't received an electronic version to forward to the attorneys until earlier in the day.

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Mr. Latchaw asked if it was possible to set a due date of a week before a meeting for the applicant's engineer to submit digital plans for the Board to review. Mr. Weinrieb said it would be helpful for him to review plans up to two weeks prior to a meeting to give him time to make comments. Chair Hebert stated that the Town required that new submissions come in five days before a meeting, but there was no requirement to copy or notify all the abutters so it was up to them to make inquiries with the planner

Chair Hebert went on to say that he understood that new information had just been received, but the applicant still needed to address the issues raised by Altus Engineering and no decisions would be made at this meeting so everyone had time to review the proposal.

(Vice-Chair Cross arrived at this point of the meeting at 7:01 p.m.)

Mr. Berounsky asked if Chair Hebert was making that decision or if it was up to the Board. Chair Hebert stated that it was up to the Board, but they still needed Mr. Coronati to provide technical information in response to Mr. Weinrieb's engineering review before they could make an informed decision whether the proposal was solid.

Mr. Berounsky said they had submitted four plans, beginning with Chair Hebert's original suggestion for a peanut-shaped cul-de-sac. He said the Routeski's objected to that plan and the Board and abutters didn't like the other plans. Mr. Berounsky went on to say that they were recently informed by Mr. Coogan and Attorney Ratigan that this design met Town requirements. He said Mr. Coronati was an experienced engineer and that the Board should accept his proposal with conditions or have the Town's engineering consultant come up with a design that the Town would approve.

Chair Hebert replied that Attorney Ratigan only provided legal counsel, but the engineering issues had not been addressed. He suggested that Mr. Berounsky send any legal questions to Mr. Coogan for a response.

Chair Hebert asked Attorney Pelech to submit a letter requesting an extension for their application because Mr. Berounsky's letter did not have a date on it.

Mr. Weinrieb commented that in fairness to the applicant and abutters, he thought Mr. Coronati and he should discuss the engineering plans to help everyone understand them and so the applicant wouldn't return in 30 days and be told something wasn't acceptable.

Board member, Jack Pare commented that a short punch list was one thing, but Mr. Weinrieb's list was quite long and this one needed to be worked down. He added that there were a lot of drainage questions had to be addressed.

Board member, Mark Phillips agreed that he saw no problem with the proposal once Mr. Coronati worked everything out with Mr. Weinrieb.

Mr. Coronati stated that the form factor for the frontage and depth of the new lot and the 20-foot width of the new cul-de-sac would need a waiver. Mr. Weinrieb commented that the form factor was not that far off.

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Chair Hebert commented that he had no problem with keeping the paved area the same width as rest of Swan Island Lane, but the right-of-way still needed to remain at 50 feet.

Chair Hebert encouraged the applicant should talk with the abutters or the Board might have to decide regarding a reasonable agreement to cover the maintenance of paving and plowing the 40-foot extension of the Rogers' driveway. Mr. Weiner commented that he didn't think the Rogers' request was unreasonable if they considered the cost of plowing for over the next 20 years. Attorney Baum pointed out that the Rogers plowed their own driveway. Mr. Berounsky commented that plowing an additional 40 feet on a 400-foot driveway wouldn't be much of a difference.

The applicant's daughter, Katherine Blaisdell replied that they had no intention of compensating the Rogers beyond covering the construction costs. Chair Hebert informed Ms. Blaisdell that not considering the Rogers' costs would not be helpful.

Mr. Berounsky asked Mr. Coogan for an itemized accounting of how much the consultants had cost before he added more to their escrow.

Chair Hebert continued the hearing to Monday, August 14, 2017.

2) Continuation of **Site Plan Review** for **Sig Sauer** regarding property located at 72 Pease Boulevard, Tax Map 39, Lot 1

Joe Coronati with Jones and Beach Engineering appeared before the Board, along with Sig Sauer's Director of Facilities, Jeff Chierepko to present their site plan.

Mr. Coronati said he received a letter from Mr. Weinrieb and he had since addressed the drainage questions. He said they also had a landscaping plan by a landscape architect.

Mr. Coronati said he believed any remaining items were minor and suggested a conditional approval.

Mr. Weinrieb said he met with the sales representatives and engineers to come to an understanding of the complex proprietary drainage system that had not been previously done at the Pease Development Authority (PDA) or in Newington.

Mr. Weinrieb said the biggest issue was the operational maintenance, but the owners of system would be doing the maintenance. He added that the Town should receive and review annual reports on all developments approved. Chair Hebert replied that was important for properties that the Town controlled, but it was not in this case because the PDA owned this property.

Chair Hebert asked Maria Stowell, Director of Engineering for the PDA if they were willing to accept the plan as presented should Sig Sauer leave. Ms. Stowell replied that the PDA didn't own the buildings, but maintenance would get done either way.

Mr. Chierepko added that their maintenance was part of the EPA's requirements and their maintenance reports had to be sent to the Federal government for review.

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Chair Hebert stated that he wanted to include that the PDA would be responsible for reviewing the maintenance reports as well.

Chris Cross moved to approve the site plan for Sig Sauer regarding property located at 72 Pease Boulevard, Tax Map 39, Lot 1 and with the condition that annual drainage and landscape maintenance reports be sent to Pease Development Authority and copied to the Town of Newington. Bernie Christopher seconded the motion and all were in favor.

Mr. Chierepko asked for something in writing on what amount of bond would be required for escrow so he could submit it to their accounting department. Mr. Weinrieb replied that he wouldn't be able to determine that until he received all the data. Chair Hebert commented that a deposit to escrow to cover engineering, legal and the Town Planner's consultations were typically received prior to approval and needed to be a condition of approval. Mr. Coogan estimated a bond amount of \$2,000 to \$5,000, depending on how complicated. He said he would send an email request of \$3,000 and any funds not used would be returned.

Bernie Christopher amended to motion to add the condition that a \$3,000 bond would be deposited to escrow for the project. Chris Cross seconded the motion and all were in favor.

- B) **Continued Preliminary Review:** Regarding proposal by KeyPoint Partners to demolish an auxiliary building previously used for tire service at the **Crossings Mall**, located on 45 Gosling Road, Tax Map 34, Lot 3 in preparation of construction of 16,000 square foot building for a PetSmart building.

This item was delayed so the next item could be heard first.

II) New Business

- B) **Lot Line Adjustment:** Discussion regarding previously approved merger regarding property at 17 New Hampshire Avenue, Tax Map 302, Lots 5, 6 and 7 owned by Pease Development Authority and to be leased to **Two International Group, LLC** recorded on March 1, 2013 in Rockingham County Registry of Deeds as Plan D-37961

This item was taken out of order.

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Attorney John Lyons informed the Board that they had already razed the buildings for redevelopment at Manchester Square where the Easy Pass, Post Office and Barber Shop were located and a pre-approval for a merger of the lots had been signed by the PDA and the City of Portsmouth and they were asking for Newington's signature as well.

Chair Hebert commented that the building was already there, but the signature would make the merger official.

Mike Marconi moved for Chair Hebert to sign the plan to approve the lot line adjustment for regarding previously approved merger regarding property at 17 New Hampshire Avenue, Tax Map 302, Lots 5, 6 and 7 owned by Pease Development Authority and to be leased to Two International Group, LLC recorded on March 1, 2013 in Rockingham County Registry of Deeds as Plan D-37961. Bernie Christopher seconded the motion and all were in favor.

I) Old Business

- B) **Continued Preliminary Review:** Regarding proposal by KeyPoint Partners to demolish an auxiliary building previously used for tire service at the Crossings Mall, located on # Woodbury Avenue, Tax Map #, Lot # in preparation of construction of 16,000 square foot building for a PetSmart building.

This item was taken out of order to hear the previous item first.

Mr. Coogan informed the Board that this presentation was for informational purposed and comments only.

Alishia Busconi with KeyPoint Partners, the management company for the Crossings Mall said she and a senior manager spent a day in the Town records looking through files and obtained 500 pages of records on the development history of the Crossings Mall when the original Newington Mall was separated, beginning with the addition of a cinema, between 1965 and 1968. She said the permitting process began in the 1980's.

Ms. Busconi said there were now 58 acres with nine buildings on the site, adding that Longhorn Steakhouse was listed as separate on the map, but was only Jared Jewelers was subdivided as a separate tax parcel.

Chair Hebert stated that prior to the current administration, the Town planner would return the signed plans to the applicant for recording at the Rockingham Registry of Deeds, but because more and more plans were found not to be registered, the Town was bringing the plans to the registry themselves now. He said the State informed them

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that once the plan was registered, the Town would be notified and requested that plans for the separate building parcels be prepared to complete the process.

Ms. Busconi explained that the 4,700-square foot building leased by Sullivan Tire was one of original buildings built. She said they intended to raze the building and expand it to 16,000 square foot on the un-utilized existing pavement to put in a PetSmart.

Ms. Busconi said they would be going before the Newington Board of Adjustment (ZBA) next week regarding a variance for an additional building on one lot. She said they looked at subdividing, but they thought it would require a series of waivers and could cause future constraints to the property if they ever had to do anything in future series of waivers.

Ms. Busconi reviewed the access, parking and landscape plans for the PetSmart area. Discussion ensued regarding access roads and traffic safety. Ms. Busconi said they had observed that traffic often cut through the malls to avoid the traffic and the series of lights along Woodbury Avenue and they would be happy to be part of discussions to look at traffic patterns. She suggested that future access by the former TGIF Fridays would be good to study where there was no signage and parking wasn't utilized as much. Mr. Weinrieb replied that there would be another dedicated right put in to widen access, but there would be no sidewalk, however the new development might be a good opportunity for a mounded crosswalk for pedestrian safety. Ms. Busconi replied that the site day manager would agree after observing numerous drivers going fast through the malls on cell phones.

Ms. Busconi said Steve, the lead civil engineer with a geo tech firm and a wetland scientist had discussions Town engineering consultant, Eric Weinrieb and Town wetlands consultant, Mark West and the Department of Environmental Services (DES) before going before the Newington Conservation Commission last month with their wetlands permit wit She stated that David Price with

Steve, the lead civil engineer reviewed the site conditions, parking, and photometrics for the entire lot in response to Eversource's transmission expansion project.

Chair Hebert commented that the Town was testifying as an intervener on behalf of residents and commerce and they should inform the Town on any issues.

Ms. Busconi went on to say that aerial photos showed more cars parked at the Crossings that the Fox Run Mall, which was looking at numerous retailer closings. She informed the Board that Bugaboo Creek had announced their bankruptcy and the Crossings would return to the Board at another time to discuss another use for that building. She added that the Crossings had received no notice of downsizing and they were trying to be quick and aggressive with a strong mix in their plans for keeping commerce vital, especially considering recent bankruptcy announcements of several large box retailers in the malls.

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Chair Hebert informed Ms. Busconi that the Board was reviewing the policy of one principle buildings on a lot. Ms. Busconi replied that flexibility was important for developers considering the economic changes they were seeing.

Mr. Weinrieb commented that many towns and cities were considering the development of apartments now that the vitality in shopping centers was changing. Chair Hebert replied that direction had already been updated in the Master Plan. Mr. Weinrieb asked if the Commercial Zone had been changed to residential use and Mr. Coogan replied that it had not, but he took note of it. Chair Hebert stated that the Town wanted to discuss their future plans and the Board had asked developers to let them know what considerations they were making.

Discussion ensued regarding some towns that had already begun developing mixed lifestyle centers in former shopping malls.

Mr. Coogan informed the Board that the applicant would go before the ZBA on Monday, July 17, 2017 and return to the Planning Board for a public hearing on Monday, August 14, 2017.

II) **New Business:**

- A) **Woodbury Avenue Access Management:** Discussion of management policy for curb cuts on Woodbury Avenue from Gosling Road to the Spaulding Turnpike.

This item was delayed so the following items could be heard next.

- B) **Lot Line Adjustment:** Discussion regarding previously approved merger regarding property at 17 New Hampshire Avenue, Map 302, Lot 5 and 6; and Lot owned by Pease Development Authority and to be leased to Two International Group, LLC

This item was taken out of order and heard earlier.

- C) **Blasting and Excavation Regulations:** Review request by Board of Selectmen

This item was delayed so the following item could be heard next.

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III) Other Business

- A) Request by **Patterson Lane, LLC** to void site plan at their property on # Patterson Lane, Tax Map #, Lot # that was previously approved in April of 2015.

This item was taken out of order.

Attorney Steve Roberts appeared before the Board on behalf of the applicant, Keith Frizzell. Attorney Roberts stated that after an 18-20-month process obtaining approval of their site plan for an industrial building, the builders got busy and the economics of the proposal was no longer feasible.

Attorney Roberts stated that they had received a purchase and sale agreement to sell the industrial lot to Riverside Marine who had no need for the adjoining residential lot that had been merged to create the required setback for their previously proposed industrial site.

Mr. Phillips asked if they would be satisfied even if the potential sale fell through and Attorney Roberts and Mr. Frizzell said they would.

Attorney Roberts said two lots would also create a larger tax base, but noted that the merger did not show up in the tax accessor's office for two years. Chair Hebert replied that the Town handed applicants their plans, but they didn't record them. Attorney Roberts stated that approval for the merger was conditional upon the development going forward.

Attorney Roberts said the statute said notice of mergers shall be filed at the registry, mailed to municipalities and signed by the planning board chair, but the voluntary merger statute stated that a merger doesn't require a new survey and didn't have to be recorded. Mr. Coogan replied that Town counsel, Attorney John Ratigan said the Board's approval was a defacto merger. Attorney Roberts said he disagreed, but asked that the Board void the merger without prejudice.

Mr. Phillips stated that he had to do same thing for City of Dover and they only wanted to see the Notice of Merger form, which was in the statute.

Chair Hebert replied that there were two types of merger, one that the Board approved and another was where the Town signed the form. Attorney Roberts stated that according to State statute the merger had to be filed at Registry of Deeds.

Mr. Coogan stated that Attorney Ratigan said there would be no problem with voiding the merger, but the industrial lot would go back to its previous non-conforming status that would need to comply with previous uses. Attorney Roberts replied that their potential buyer understood and that they would need to talk with Town if they wanted to expand use.

Chair Hebert stated that he wanted to be sure that part of the conveyance would be that buyers would be made aware of the non-conforming lot that couldn't be

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expanded. Attorney Roberts replied that they could expand in a minor way per the NH Constitution.

Chair Hebert said want to be sure buyer also understood that outdoor storage was not acceptable and to be sure the owner did not create a hardship by purchasing a non-conforming lot that was not suited for their use in that zone.

Mr. Christopher asked why the Board had to make the uses of the zone clear to the buyer when it was up to their due diligence. He added that the applicant's request was for a business and economic reason of buyer and the Board should have blinders on regarding whomever purchased the property. Vice-Chair Cross agreed and said the Board could discuss the non-conforming lot when they came before the Board. Chair Hebert commented that any requests for relief from the non-conforming lot would go before the ZBA, not the Planning Board.

Chair Hebert asked if there were any plans for the residential lot and Mr. Frizzell said he did not.

Mr. Marconi asked what he was doing with the barn. Mr. Frizzell replied that he had asked historical experts if it could be restored, but they said it was unsafe to move or restore. He said it collapsed two winters ago.

Chris Cross moved to approve the request by Patterson Lane, LLC to withdraw the approved site plan and void the merger of the parcel on # Patterson Lane, Tax Map #, Lot # that was previously approved in April of 2015. Mike Marconi seconded the motion and all were in favor.

II) **New Business**

C) Blasting and Excavation Regulations: Review request by Board of Selectmen

This item was taken out of order to hear the previous items first.

Chair Hebert informed the Town had no blasting ordinance and they also needed to update their regulations on excavation.

B) Blasting Ordinance:

Chair Hebert said they took a blasting ordinance from another town for adoption by the Board of Selectmen, which was provided to Board members in advance to give them time to consider before meeting.

Vice-Chair stated that he thought it was long winded and suggested that they not repeat the Federal laws and put the fees in a separate location.

Mr. Welch stated that he thought it was detailed without any substance.

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Mr. Coogan commented that it was recommended by the fire chief and would go under public safety, not land use regulation.

Mr. Latchaw suggested that photos be date stamped, which would take the argument out of everything. He also suggested that it be clarified whether a policeman or a signaler would be used.

Vice-Chair suggested that notification occur by mail, email and on the Town website, along with posting a sign at the site 24 hours prior to blasting, rather than just posting it in the paper that wasn't ready every day by everyone.

Chair Hebert commented that this draft might not be perfect, but it was a good start and then the Board could make recommendations to the fire chief for changes in the future.

Ken Latchaw moved to recommend approval of the new excavation regulation with specification to traffic controls and date stamps on photos. Rick Stern seconded the motion and all were in favor with Mike Marconi abstaining.

Rick Stern pointed out that under notifications of blasting, only the fire chief dispatcher was listed and he suggested that the police chief be listed as well. Chair Hebert pointed out that blasting permits went to the fire chief who issued them.

Chair Hebert added that he talked with legal counsel and the fire chief and police chief can trump State regulations.

2) **Excavation Regulations**

Vice-Chair Cross recommended adding a pedestrian walkway in the regulation to accommodate pedestrians during excavation. Chair Hebert said the Board of Selectmen were adopting the regulation and asked Vice-Chair Cross if he could live with the regulation as written so they could move the item along.

Chris Cross moved to accepting the excavation regulations as presented. Rick Stern seconded the motion and all were in favor with Mike Marconi abstained.

Board of Selectmen's representative, Mike Marconi recommended sending a copy to the police and fire chiefs. Vice-Chair replied that he assumed the Board of Selectmen would send. Chair Hebert said he would copy the changes and have Town Administrator, Martha Roy send them to the fire and police chiefs.

- A) **Woodbury Avenue Access Management:** Discussion of management policy for curb cuts on Woodbury Avenue from Gosling Road to the Spaulding Turnpike.

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This item was delayed so the previous items could be heard first.

Mr. Coogan suggested that the Town consider using information obtained by DHB Engineering as a tool to inventory the existing curb cuts on Woodbury Avenue. He said they could then determine if there was any possibility to consolidate the curb cuts and adopt changes into the Driveway Regulations and Master Plan for prospective applicants.

Mr. Coogan said he had contacted VHB Engineering and they had discussed a \$5,000 fee. He said that \$25,000 was in the Master Plan account, but \$17,000 had already been committed to Rockingham Planning Commission (RPC) for their assistance with the Master Plan, along with \$5,000 toward their share of the local transportation plan, so they might need to find additional funds or wait until 2018.

Mr. Weiner commented that he didn't think VHB Engineering did a very good job with planning the Spaulding Turnpike Expansion for the NHDOT. Vice-Chair replied that that might be, but they were the most familiar with the Woodbury Avenue plan.

Mr. Phillips suggested that a color graphic from Gosling to Spaulding would be more helpful than a long report.

Vice-Chair Cross commented that they might need funds for preliminary legal counsel first. He added that currently the State had control over Woodbury Avenue, not their consultants, but they could coordinate with RPC's senior transportation planners and they could provide graphic support.

Mr. Coogan said he asked RPC's assistant director, Glenn Greenwood if they could include the plan for Woodbury Avenue in the transportation chapter, but he said he didn't think it was a good idea.

Mr. Stern suggested that Mr. Coogan could collect data from the State. Vice-Chair said there was lots of information available from previous studies, but the RPC and State were not going to write policy or ordinances for the Town.

Chair Hebert stated that Mr. Coogan had talked with Town Administrator, Martha Roy and others on the subject, but hadn't talked with him while he was on vacation. He said it was a good initiative, but funds were not available for the plan. He said they could consider it further for next year's budget after they identified the scope of the project.

III) Other Business

- A) Request by Patterson Lane, LLC to void site plan at their property on # Patterson Lane, Tax Map #, Lot # that was previously approved on April 2015.

This item was heard previously.

- B) **Master Plan Update:** Survey

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Mr. Coogan informed the Board that Rockingham Planning Commission Assistant Director, Glenn Greenwood was working on the survey and would get a copy to the Planning Board and put it on the Town website.

C) Correspondence and Status Report by Town Planner

Mr. Coogan did not present any additional updates.

D) Potential Zoning Amendment Discussions

1) One Principal Building per Lot

Discussion ensued regarding a former opinion by Attorney Peter Loughlin that Mr. Coogan presented to the Board for consideration. Chair Hebert stated that it was an old document from ten years earlier regarding the Residential Zone.

Chair Hebert said he would like to discuss the subject further with the Board at another time.

2) Waterfront Industrial and Commercial District: Identify Permitted Uses and buildings per lot

Chair Hebert informed the Board that Mr. Welch had been doing some research regarding dredging along the Piscataqua.

Mr. Welch reviewed his discussions with Moran Cowing regarding the Waterfront Industrial Zone. He said currently there were five existing piers, but none of the properties that Eversource put up for sale recently had piers. He said a dredging operation that was set to occur between 2018 and 2019 would improve access to some lot, but it would probably not improve access to the Eversource lots.

Mr. Welch stated that the estimated cost of dredging or extending a pier into the channel would be around one million dollars. He said Moran Cowing would like to see improvements to the Piscataqua River because the use of their tug boats went from 2,000 a year down to 800 a year.

Discussion ensued regarding the size of ships that navigate the river safely and the danger of going under the bridge. Chair Hebert asked if container ships could go up river. Mr. Welch said he was not sure of the limit, but he didn't think an 800-foot river could make it up the river.

Chair Hebert stated that David Choate with Colliers International Realtors met with Mr. Coogan about potential uses for the Eversource lots that sold. Mr. Phillips said

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there were wetland fingers everywhere on the lots. Chair Hebert said a developer could pay wetland fees if they had a plan.

Mr. Coogan said Mr. Choate didn't talk about who had the lots under agreement, but they did talk about putting workforce housing, which currently was not an allowed use along the industrial corridor.

Chair Hebert said the Board would need to discuss Ordinance changes around August and should consider revisiting workforce housing to avoid losing control of the town.

Chair Hebert expressed concern with losing Newington's working port the way Portsmouth seemed to be doing. Vice-Chair commented that the Town would lose its ordinance base if they didn't find something to replace Newington Station.

Mr. Welch suggested talking with the Port Authority and Great Bay Marina for their thoughts.

Vice-Chair said the State had a long-term transportation plan that included railways as well as waterways and the Town should put their markers in. Chair Hebert asked Vice-Chair Cross to contact RPC for their assistance.

Minutes: *Mike Marconi moved to approve the Minutes for the June 12, 2017 meeting with corrections as noted. Bernie Christopher seconded, and all were in favor.*

Announcements:

Mr. Pare announced that his last meeting would be on August 14, 2017.

Adjournment: *Mike Marconi moved to adjourn the meeting. Rick Stern seconded the motion and the meeting adjourned at 9:54 p.m.*

Next Meeting: Monday, August 14, 2017

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

These Minutes were approved and adopted at the August 14, 2017 Planning Board Meeting.