

Town of Newington, NH  
PLANNING BOARD

Meeting Minutes, Monday, September 26, 2016

- Call to Order:** Chair Denis Hebert called the September 26, 2016 meeting at 6:33 p.m. followed by the Pledge of Allegiance
- Present:** Chair Denis Hebert; Vice-Chair Cross; Board Members: Mark Phillips; Alternate Member: Ken Latchaw; Selectmen's Representative, Cosmas Iocovozzi; Board of Interim Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Bernie Christopher; Jack Pare; and Jim Weiner
- Public Guests:** Michael Berounsky; Josh and Catherine Blaisdell; Joe Coronati with Jones and Beach Engineering; Town engineering consultant, Eric Weinrieb with Altus Engineering; Attorney Kevin Baum; Constantine Routetski; Chris and Laura Rogers; Peter Welch; Leonard Thomas

1) **Public Hearings:** Proposal by Michael Berounsky regarding property located at 30 Swan Island Lane, Tax Map 53, Lot 9.

Chair Hebert announced that Board members had done a site walk with site engineer, Joe Coronati with Jones and Beach Engineering at 5:30 p.m.

Chair Hebert stated that there had been a discussion during the last meeting regarding the possibility of using a teardrop shaped cul-de-sac.

Mr. Coronati commented that they would not be able to alter the design too much in order to stay within setback requirements so they were hoping to continue with their peanut-shaped design proposal. He added that the design would also put the new house back further and out of sight of the abutter.

Chair Hebert agreed that to do the teardrop would be like adding a road off the cul-de-sac. Town engineering consultant, Eric Weinrieb replied that the concern with the existing peanut-shaped layout, was that it was like a cul-de-sac on a cul-de-sac that created excessive pavement and poor water flow. He suggested they look at roadway designs that were more conventional.

Chair Hebert asked if the peanut-shaped cul-de-sac was not a good design for safety and Mr. Weinrieb replied that it was not for plows and water flow.

Leonard Thomas of Newington Road asked that they consider some kind of swale so that the water from the homes that had been built recently and the proposed home would not continue to flow toward his property. Chair Hebert asked how bad the

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runoff was. Mr. Thomas replied that it was very bad during the wet season. Chair Hebert asked if it had gotten worse over the last couple of years and Mr. Thomas said it had because the drainage easement had filled in and water couldn't flow through.

Alternate Board member, Ken Latchaw inquired about the drainage pipe on the lower edge of retention pond and whether it could be designed to allow more water to be absorbed. Chair Hebert replied that the Town had avoided underground drainage pipes to avoid maintenance of drainage.

Mr. Coronati stated that currently there was a swale in the plan, but they couldn't get it to work with the new design so the rain garden was designed to treat and store the storm water from the road way. He went on to say there was a certain amount of treatment received in the wetland fields, brush and berms, but they could daylight the pipes and have an outlet structure to create more of a storm water detention area where water could flow.

Vice-Chair Cross asked if they might address Mr. Thomas' water problem in the same way they did on Fabyan Point, by creating a catch area on the edge of the property. Chair Hebert commented that it seemed like a good idea to create a dry pond like another rain garden, but he had no idea what the Department of Environmental Services (DES) would say.

Mr. Coronati asked Vice-Chair Cross where he was suggesting to place the dry pond and Vice-Chair Cross replied that the Routetski's had a long path to Great Bay and they could essentially incorporate a swale on Berounsky's side.

Vice-Chair Cross said Mr. Thomas was being impacted by the existing new development and he didn't think the cul-de-sac would affect that any further so he was suggesting creating a swale along the wooded area at the edge of people's property.

Mr. Berounsky commented that all the water that was running onto Swan Island Lane and into a pipe through the berm that was required when his house was approved in 1991. He stated that the water ran beside his house to Great Bay, but the Town never maintained the drainage. He went on to say the water had always flowed down to Great Bay because of the contour of the land and the newly proposed house would not cause any extra water flow.

Mr. Weinrieb clarified that the water went through the berm and crossed over to Mr. Thomas' property. He said there was good vegetation, but the unintended consequence was that as each house and pavement went in, there was more water. He said the conveyance pipe wasn't a detention structure, but perhaps they could adapt the existing structure to improve the drainage.

Mr. Coronati said they could look at doing a detention pond, but that would be another area they would have to disturb.

Board member, Mark Phillips asked if the cul-de-sac design would be better as an oval instead of a peanut-shape. Chair Hebert said the issue was that there was not enough property available to meet the frontage requirement with an oval shape. Mr. Coronati said he might be able to redesign slightly if needed.

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Attorney Kevin Baum said they've seen a number of designs, but he couldn't get away from the impact the designs would have on his client, Constantine Routetski, especially Mr. Weinrieb's teardrop design that would involve making abutters driveways longer.

Attorney Baum added that their fear wasn't the site lines; it was that the road would run along the property boundaries. Mr. Coronati replied that the cul-de-sac would be the slowest part of the road.

Attorney Baum asked how fire trucks and school buses would go around the altered cul-de-sac design. Mr. Berounsky stated that the fire chief had no problem with the cul-de-sac design. He added that there were no Newington school children being picked up or dropped off on Swan Island Lane, but there were some parents from Greenland that sat in their cars to pick up their children because they didn't want them dropped off on the other side of the road. Chair Hebert replied that the road would have to be designed for children regardless of whether any Newington school children were living there at any given time.

Chair Hebert said he spoke to Chief Andrew Head who said he also felt the fire trucks would be able to navigate the cul-de-sac as it was.

Chair Hebert said the chief did a fire hydrant test on the existing hydrant and there was adequate flow. Chief Head also told him that there was no need for an additional fire hydrant. Chair Hebert asked Len Thomas, the Town Road Agent if he looked at the design with consideration for snow plows. Mr. Thomas said he hadn't reviewed.

Mr. Coronati asked if the Board would prefer an oval design over a peanut-shaped design. Chair Hebert replied that he agreed with Mr. Weinrieb that the indentations of a peanut-shaped cul-de-sac didn't make sense in regards to traffic flow and plowing.

Mr. Phillips said he had no problem with the peanut-shape and he had no problem with it being in the center of the right of way. He commented that the Rogers were new in town and recently went to the expense of putting an electric line to a light pole at the end of their drive and granite posts so Ex2 would be a major impact on them, which would be unfair. He suggested going through a process of elimination to come to a decision.

Vice-Chair Cross said he liked Ex2, but suggested altering the cul-de-sac entrance around the granite and light post and abandon the other half of the existing cul-de-sac as there would be no change to the Rogers or Routetski's property lines by doing so. Chair Hebert commented that it still seemed like a peanut-shape.

Mr. Weinrieb replied that there was some merit to Vice-Chair Cross' suggestion and it might eliminate the reverse curves of the peanut-shape.

Mr. Coronati replied that it sounded as if the road would go half around the old cul-de-sac into another cul-de-sac and they would have to move the existing tree.

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Chair Hebert said he liked the oval with straight lines the best and thought Mr. Phillip's suggestion to offset the cul-de-sac was a good idea as well. He added that he liked the rain garden proposed in the middle of the cul-de-sac, but most of the utilities went through the center of the cul-de-sac, which would have to be moved and that would be expensive.

Vice-Chair Cross replied that the Routetski's would be impacted by having a roadway within ten feet of their property.

Mr. Weinrieb agreed that the oval also had merit, but he thought Vice-Chair Cross' design moved the road further way.

Mr. Coronati said Mr. Berounsky would consider giving Vice-Chair Cross' design a try, but he would want to keep the king crimson maple tree and electric box.

Chair Hebert said he thought turning a small portion of property over to the Rogers to make an oval-shaped cul-de-sac would be better, but he understood the Rogers didn't want it.

Attorney Baum stated that he also thought Vice-Chair Cross' suggestion seemed better, but wasn't sure.

Chair Hebert said he thought it would be a simple subdivision that didn't require a design review committee, but he wanted to make sure everything was covered so he suggested that Mr. Coronati to work with Mr. Coronati said if they would go back & respond to comments from the Town engineering consultant.

Mr. Berounsky stated that he was frustrated because the Board told him he didn't have enough frontage unless he used a peanut-shaped design. He said he went to Jones and Beach Engineers for the design and now the Board was suggesting they present a redesign that would cost them more and there was no telling if the Board would not approve that design either.

Chair Hebert said there was no concept that the Board would approve before seeing the design. He said the Board reviewed what was presented and they needed to hear abutters concerns. He said he had an issue that required an unconventional design for the Board to consider.

Mr. Berounsky commented that there was barely a quorum to review the design and he thought anyone belonging to the Board should attend meetings.

Mr. Berounsky asked why the Board wouldn't accept the peanut-shaped cul-de-sac design if it met the frontage requirements. Chair Hebert replied that the Town's engineering consultant raised traffic safety and drainage concerns.

Mr. Latchaw asked if the Board could give tentative approval with the condition that they would straighten the cul-de-sac on Berounsky's side to increase the distance to the road. Chair Hebert replied that they had to wait until they saw an engineered plan because they couldn't anticipate if the engineer would encounter problems. Mr. Latchaw suggested the Board just ask them to come back with a design with straight lines.

Chair Hebert stated that he felt uncomfortable with Vice-Chair Cross' design because there was pressure to accept the design and it was dangerous for the Board to

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make design suggestions as problems could arise. He said the Board consisted of engineers and developers, but it was not their job to design.

Mr. Weinrieb agreed that although the Board was not comfortable with the peanut-shaped cul-de-sac design and the Board had other designs such as ovals or an offset serpentine, it was up to the applicant's engineer to come up with something that worked.

Mr. Weinrieb said it was also important to note that the plan wouldn't meet the form factor requirement and would probably require a waiver. Vice-Chair Cross commented that in order to have access or views, few of the lots along Great Bay met the form factor.

Mr. Phillips said he wasn't wedded to either design, but thought the Board owed it to let the applicant know that the Board would probably accept a completed plan. Chair Hebert replied that but he thought they could do a subdivision so long as the road was safe and drainage and utilities were taken care of.

Mr. Weinrieb said other issues raised had not been addressed at this point and referenced a letter from the City of Portsmouth Water Department that there was water availability, but it was not clear if there was adequate capacity and flow. He said it also didn't say whether upgrades were needed to meet the needs. Mr. Coronati replied that he didn't know where the four-inch line ended when he spoke with the Water Department, but he since learned that they would need to tie into the four-inch line near the fire hydrant or further back.

Mr. Phillips asked if they should discuss width of the cul-de-sac. Chair Hebert replied that they had discussed taking pavement away to reduce asphalt, but the center of the right-of-way would be same.

Mr. Latchaw asked what the reduced width would be. Vice-Chair Cross said he thought it might be reduced from 25 feet to 15 feet. Chair Hebert said the Board needed to discuss the width of cul-de-sacs in a work session across the Board, but the applicant needed to present their own plan.

Chair Hebert stated that he also wanted Mr. Thomas involved in the discussions with Mr. Weinrieb. The applicant's daughter, Catherine Blaisdell asked if there would be a conflict of interest having Mr. Thomas who was an abutter involved. Chair Hebert replied that Mr. Thomas was the Town road agent and not a direct abutter.

Mr. Weinrieb said even if the plan was approved this year, the applicant wouldn't be able to pave until spring.

Chair Hebert continued the meeting to October 24, 2016.

### 5) **Other Business:** Appointments

This item was taken out of order.

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Chair Hebert announced that Peter Welch of Newington Road wanted to join the Board.

*Vice-Chair Cross moved to recommend that the Board of Selectmen appoint of Peter Welch as an alternate member to the Planning Board. Mark Phillips seconded the motion and all were in favor.*

### **2) Subdivision and Development Update:**

#### **A) Fabyan Point Road, Tax Map 47, Lots 5, 6 and 7**

Interim Planner, Gerald Coogan informed the Board that Mr. Weinrieb provided a report regarding his site inspection the previous week and reported that construction was moving along.

Mr. Weinrieb asked Joe Coronati of Jones and Beach Engineering to provide an update on the status of the cul-de-sac redesign and Mr. Coronati replied that he needed to send it out. Mr. Weinrieb said one of the challenges was that the existing utility poles were in the middle of the road, but they were trying to work with Eversource and Fairpoint's schedules.

Mr. Coogan also reported that Mr. Weinrieb took a photo of the wet pond, which looked quite extensive.

Chair Hebert stated that he didn't like the design of the road and the ponds. Vice-Chair Cross commented that it was a rolling area. Mr. Weinrieb added that the storm water management areas were behind trees out of sight of the road.

Mr. Coogan commented that the cul-de-sac was closer than they originally expected to John Newick's house. Mr. Weinrieb replied that he had suggested they put the road further back, but they preferred to request a variance instead.

#### **B) Dennet Farms Condominiums, Nimble Hill Road**

Chair Hebert said Mr. Weinrieb reported that he was having a problem getting the developer, Joe Calderola to clean up the construction debris on Nimble Hill Road. Mr. Weinrieb commented that contractors made messes, but cleanup had been removed from their contract and Mr. Calderola was using a push broom and it wasn't working. Chair Hebert said they were also using a garden hose.

Chair Hebert said commented that the condition was to keep the road clean during construction and if it continued the Town would have to pull their bond. Mr. Phillips suggested to issue a cease and desist order to get their attention. Mr. Weinrieb replied that was a conversation for the building inspector. Chair Hebert agreed that the Board of Selectmen would make the request to the building inspector.

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Mr. Coogan added that the dirt sitting on the cul-de-sac was working into the pavement and should be vacuumed before they put on the final coat. Chair Hebert suggested they might need a tack coat before putting down the final coat. Mr. Weinrieb replied that was something he would require.

### 3) **Work Session:**

#### A) Accessory Dwelling Units (ADUs)

The Board continued their discussions on accessory dwelling units.

Mr. Coogan advised that the maximum size should not exceed 1,000 square feet and it would be fine if someone wanted to go less. Chair Hebert replied that the law required that the minimum size be exactly 750 square feet minimum to meet the requirement.

Vice-Chair Cross commented that many towns were not doing anything to change their ordinances because they didn't think the State would enforce the law. He went on to say that ADU's could meet Work Force Housing requirements, but the Town wouldn't get credit for compliance on multi-family workforce housing if there was nothing on the books.

Mr. Phillips provided The City of Portsmouth's proposals for ADU's.

Mr. Coogan commented that Portsmouth Planning was much more detailed, but his approach was to keep it simple.

#### B) Subdivision Regulations update

Mr. Coogan announced that he would work further on the update with Vice-Chair Cross after Sept 30.

### 4) **Correspondence and Status Report** by Interim Town Planner

Mr. Coogan reviewed the status of recent proposals and inquiries in his memo to the Board.

Mr. Coogan announced that Rockingham County Planning Commission would make their recommendations for updates to the Town's Master Plan on October 24, 2016.

Mr. Coogan also announced that Paul Sanderson of Greenland, formerly with the New Hampshire Municipal Association would provide a training session for the Zoning Board of Adjustment that the Planning Board would also be welcome to attend. He said the exact date was yet to be determined.

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**5) Other Business and Discussions:**

Chair Hebert announced that Town Administrator, Martha Roy had received two proposals for the permanent, part-time town planner position that had closed on September 15, 2016.

Chair Hebert said he was looking for volunteers for a four-member selection committee, adding that he had already asked Board member, Jim Weiner who sat on two other boards. Vice-Chair Cross also volunteered.

Chair Hebert suggested that they hold their first meeting on Thursday, October 6, 2016 at 10 a.m.

**Minutes:** *Chris Cross moved to approve the Minutes for the September 12, 2016 meeting with corrections. Ken Latchaw seconded, and all were in favor.*

**Adjournment:** *Mark Phillips moved to adjourn the meeting. Chris Cross seconded the motion and the meeting adjourned at 8:55 p.m.*

**Next Meeting:** Monday, October 26, 2016

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

*These Minutes were approved and adopted at the October 11, 2016 Planning Board meeting.*