

Town of Newington, NH

PLANNING BOARD

Meeting Minutes, Monday, August 14, 2017

Call to Order: Chair Denis Hebert called the August 17, 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 and Jane Kendall, Recorder

Public Guests: Michael Berounsky; Josh Blaisdell; Joe Coronati with Jones and Beach Engineering; Attorney Bernie Pelech; Chris and Laura Rogers; Attorney Tom Keen; Constantine Routetski; Attorney Kevin Baum; Alisha Busconi with KeyPoint Partners; Jim Dean, with Dean Associates; Rachael Cormier, Crossings Senior Property Manager; David Vincent; Michael Mathes; Edna Mosher; Tonya Watson; Bruce Belanger; Joe Mitchell; Rene Garcia, Manager of Rodeo Restaurant

Public Hearings

1) **Old Business:**

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

Alternate Board member, Peter Welch recused himself from this item.

Joe Coronati with Jones and Beach Engineering appeared before the Board to update them on the comments he had received Town engineering consultant, Eric Weinrieb's review of the applicant's subdivision proposal. Mr. Coronati said he had made some revisions, but was looking for additional input from the Board on a few items.

Mr. Coronati said he thought each property owner involved would need to present a warrant article before Town Meeting regarding acceptance of the right-of-way on item # 6. Chair Hebert replied that it would be up to the Board of Selectmen to make

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the decision and was not a definite, but if it was agreed upon, the applicant would need to cover the costs of recording the deeds. He said the Board could make that a condition of approval and the Board of Selectmen and Planning Board could create the warrant article if the property owners agreed. Attorney Bernie Pelech replied that he would work with Town counsel, Attorney John Ratigan, the Planning Board and the Selectmen.

Mr. Coronati stated that Altus had agreed that it would be acceptable to place wetlands markers 50 feet apart rather than 25 feet apart, but he wanted to know if it would be acceptable to place the markers on the new lot and not along the side of the applicant's house lot. Board member, Jim Weiner who was also Co-Chair of the Conservation Commission stated that marking all sides of the wetlands would be important to identify how close to the wetlands the property owners could mow to prevent encroachment.

Mr. Coronati stated that they had partially addressed the landscaping plan on item # 13. Chair Hebert replied that they needed to contact the Conservation Commission for planting recommendations. Mr. Weiner added that the Commission would recommend the planting of more than one salt tolerant trees to protect against disease.

Mr. Weiner commented that 24 plants for every 98 square feet of rain garden seemed insufficient because experience from the rain garden at the Langdon Public Library showed that weeds would fill in if there weren't enough plants. Mr. Coronati replied that the planting plan on sheet B1 proposed 32 plants of four different varieties and a seed mix.

Town Planner, Gerald Coogan asked Mr. Coronati if he had addressed item # 12 regarding Len Thomas' concerns with drainage issues. Mr. Coronati replied that Mr. Thomas' property was not directly abutting the applicant's property as it was separated by Constantine Routetski's property. He added that his plan included a rain garden that decreased the water flow and the existing drainage easement from the Routetski property followed the wetlands path down to Great Bay.

Chair Hebert suggested that they consider a retention pond to address changes to the road. Mr. Coronati replied that it was hard to do a grading pattern when they didn't know exactly how the house would be placed until the septic system was determined. Chair Hebert suggested that Mr. Coronati present a plan with a building envelope and septic area so the Board could respond to the building and driveway runoff and how it would flow toward to the Thomas' property. Mr. Coronati replied that they did have a detention pond design for water flow reduction at the property line.

Vice-Chair Cross asked where the overflow from the rain garden would go and Mr. Coronati replied that the rain garden was designed for a 50-year storm and much of the water already flowed off the property, which could continue so long as they didn't increase the flow.

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Board of Selectmen's representative, Mike Marconi commented that there had been two 100-year storms in recent years, however and asked where the excess water would flow in that case. Mr. Coronati replied that the center of the current cul-de-sac was a mound and they were now moving the cul-de-sac and increasing the slope and detention hole.

Mr. Coogan noted that a letter regarding adequate water service had been received from the City of Portsmouth, but it didn't address adequate flow. Mr. Coronati replied that four-inch pipes were large enough for the houses, but he could get a letter confirming that one-inch piping was standard. Mr. Weiner commented that the purpose of the letter would be to show that the Town would not be responsible if something happened.

Chair Hebert read the letter from the City of Portsmouth Public Works Department that was addressed to Mr. Coogan that stated that water service for the existing lot was not acceptable. He said one of the subdivision requirements prior to approval was to have a letter from the Portsmouth Water Department showing water service to the new house would not starve water from the abutters.

Mr. Coogan commented that item #33 noted that percolation test results for the rain garden to verify the exfiltration rate. Mr. Coronati stated that the exfiltration would not be included in the drainage counts with an outlet in the pond. Chair Hebert replied that the purpose of a pond was for infiltration and drainage, but they would be creating a spring if they were digging down four feet and the water table was only two feet from the surface. Mr. Coronati replied that they were required to have a reduction in flow and they would

Chair Hebert stated that the Town didn't want an easement and asked if the existing drain pipe leading to the swale would be going away now that they were deeded it to the Town. Mr. Coronati replied that it directed water toward the catch basin, but they could remove it.

Mr. Coogan noted that Mr. Weinrieb pointed out on item # 35 that the construction costs estimate based on the Fabyan Point Road project from the previous year was low considering that costs were up.

Chair Hebert went on to say that the following items needed to be noted:

- Have Attorney Pelech write the agreed upon letter requesting an extension of the application
- Record the original subdivision plan of November 1991 and work from that plan
- Have Attorney Pelech would write another maintenance agreement for the easement on the Rogers property
- Deed the new section of Swan Island Lane to the Town once it was accepted
- Place the water line shutoff valve for the new lot in the Town right-of-way if the property was returned to the Town
- Store removed topsoil from cul-de-sac area and return loam and seed after construction complete

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- Discuss and establish phasing plan for public and emergency vehicle access with Mr. Weinrieb and Mr. Coogan.
- Pave the old part of the cu-de-sac along with the new part
- List on C3 Notes 4 and 11 that Altus Engineering and the Town would be notified 48 hours before 48 hours notification of construction activity within 48 hours
- Determine what angle the Rogers preferred for their driveway

Chair Hebert opened comments up to the public.

Attorney Kevin Baum, representing abutter, Constantine Routetski expressed concern with the maintenance of the trees that were nearest to his clients' property.

Attorney Baum said he was also concerned with reduced water pressure on the rest of the development as it was already an issue.

Attorney Tom Keen, representing Chris and Laura Rogers commented that the Board's consideration of this proposal after they had already rejected it before would be a violation of Fisher vs. Dover. He asked that the letter he submitted to the Planning Board written on July 27, 2017 be part of record. He said he outlined significant reasons why the proposal could not be legal approved as the Rogers lot would no longer meet Subdivision Regulations as it would not abut a public road, becoming non-conforming and unmarketable.

Chair Hebert replied that excess property from the cul-de-sac reconfiguration would be part of the public right-of-way. Attorney Keen pointed out that the applicant or the Town could not force the property on the Rogers. Chair Hebert stated that he spoke with Attorney Ratigan and it was true that the Rogers didn't have to accept a transference of property, there was still a long sliver of property along Swan Island Road from the shift in the road that would count as frontage. Attorney Keen replied that the thin slice of property was not wide enough for a driveway and the Rogers wouldn't be able to pass title in a sale of their property, nor would it be insurable. He suggested that the Town consult with a title insurance carrier to confirm his statement.

Attorney Pelech replied that the Rogers' property would abut a public street and Attorney Keen's claims were not supported by Attorney Ratigan or Town zoning. He went on to say that Fisher vs. Dover was in regards applicants returning for a variance of an ill-conceived plan that had already been denied. He said the Newington Planning Board never rejected this application plan. He added that the frontage requirement was exclusive of driveways and everyone's driveway crossed a public right-of-way before reaching a public road.

Mr. Marconi asked what Attorney Ratigan had said regarding the Rogers property. Chair Hebert replied that Attorney Ratigan said a town has the right to move a road. He said the point of moving the road was to avoid adding another cul-de-sac and increasing the asphalt.

The applicant, Mike Berounsky asked why he had to build a rain garden when others didn't have them. Mr. Coronati replied that he didn't have to have a rain garden,

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but he had to have to have some way of draining water from the property without adding to any flow to the abutting lots.

Mr. Berounsky asked why they couldn't run a pipe to the culvert as they had in the past. Chair Hebert replied that they had to address current requirements and they couldn't speak on every plan that was accepted in the past.

Chair Hebert asked Mr. Coronati to confirm that all utilities would be in an underground conduit for the new construction.

Chair Hebert added that they also needed to address the bonding costs and easement agreements.

Mr. Coogan reminded Mr. Coronati that the Board needed to receive all new information for review a week prior to the next meeting.

Chair Hebert continued the public hearing to Monday, September 11, 2017.

Attorney Pelech asked that the Board vote on the continuance so that all the "t's" were crossed if they ended up in court.

Chris Cross moved to continue the public hearing for the subdivision request by Michael Berounsky regarding property located at 30 Swan Island Lane, Tax Map 53, Lot 9 to September 11, 2017. Bernie Christopher seconded the motion and all were in favor.

Mr. Welch returned to his seat for the next item.

- b) Continuation of Site Plan Review for parking expansion by **Sig Sauer** regarding property located at 72 Pease Boulevard, Tax Map 39, Lot 1.

Mr. Coogan stated that the Board had granted a conditional approval of Site Plan Review at their July 10, 2017 meeting. He said Town engineering consultant, Eric Weinreib had made five recommendations on August 10, 2017.

Jim Weiner moved to have Town Planner, Gerald Coogan forward Town engineering consultant, Eric Weinrieb's letter to Pease Development Authority with the Newington Planning Board's approval of the Site Plan Review for parking expansion by Sig Sauer regarding property located at 72 Pease Boulevard, Tax Map 39, Lot 1. Bernie Christopher seconded the motion and all were in favor.

2) New Business:

- a) Request by KeyPoint Partners, property management for the Crossings mall to demolish the former Sullivan Tire building to construct a new 17,000 s.f. **Pet Smart** at property located at 45 Gosling Road, Tax Map 34, Lot 3.

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Alisha Busconi with KeyPoint Partners recapped their previous preliminary presentation. Ms. Busconi said they appeared before the Zoning Board of Adjustment (ZBA) and were granted a variance request to allow another building on the lot.

Ms. Busconi stated that they also appeared before the Technical Review Committee (TRC) on August 3, 2017.

Mr. Weiner commented that the Board had just received a June 23, 2017 letter from Altus Engineering and the TRC Minutes of the August 3, 2017 meeting. Mr. Coogan explained that the meeting was held while he was out on vacation and the minutes only because available recently.

Vice-Chair Cross asked if the cross walk would be raised to the level of the sidewalk for a speed bump. Jim Dean, with Dean Associates replied that they were concern that a raised cross would impede drainage, but they would have crossing markings and signage.

Vice-Chair Cross asked if they could add a speed limit. Ms. Busconi stated that they would be glad to do so.

Chair Hebert asked if the walkway would be lit and Mr. Dean said it would be and that the Chief of Police wanted lighting in the back after hours.

Chair Hebert expressed concern with the visibility of trucks at the corner from both directions. He added that he also wanted to be sure there was a good line of sight for the walkway. Mr. Dean stated that snow would be removed from sidewalk. Mr. Welch asked what material they were using on the curbs and Mr. Dean replied that they were using poured monolithic concrete. Mr. Welch noted that the specifications called out for granite. Mr. Dean replied that there was some granite along the edge

Chair Hebert commented that he was surprised that they were using concrete, which didn't hold up to salt as well as granite. Mr. Dean replied that granite tended to heave and concrete didn't. Ms. Busconi added that part of their snow management protocol was to use Magic salt pretreatment to lessen the use of salt.

Mr. Dean stated that they would include a rain garden with an appropriate conservation seed mix for ground infiltration that would be captured in a subsurface drainage system. Mr. Marconi asked if they would go before the Conservation Commission. Mr. Dean said they had.

Vice-Chair Cross asked how they would deal with snow storage. Mr. Dean said Piscataqua Landscaping moved snow to unused areas of the parking lot for storage away from the wetlands. so, would move in areas not in use.

Mr. Phillips asked if there would be a dog walking area. Ms. Busconi said PetSmart's proposal included what they called an "ooops" area on left side of the grassed area, which would be cleaned daily.

Mr. Coogan asked if there would be any sales of animals or other creatures. Ms. Busconi said she thought that they would only sell fish and small caged rodents like hamsters. She added that they might have a special NHSPCA adoption day that they would inform the Town of.

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Chris Cross moved to accept the proposal by KeyPoint Partners, property management for the Crossings mall to demolish the former Sullivan Tire building and construct a new 17,000 s.f. Pet Smart at property located at 45 Gosling Road, Tax Map 34, Lot 3 as substantially complete as presented. Bernie Christopher seconded the motion and all were in favor.

Chair Hebert opened the regular public hearing to the public. He then closed the public hearing after there were no comments from the public and opened discussion from the Board.

Vice-Chair Cross asked if the Crossings Mall had conducted a feasibility study with the Fox Run Mall cross connections to improve traffic over the next six months. Ms. Busconi said they were agreeable to do so.

Chair Hebert asked that they record the Jared Jewelers and Longhorn Restaurant on separate lots within the next six months. Ms. Busconi replied that she thought the Jared lot was already separated, but Longhorn hasn't been separated on tax maps and the Bugaboo Creek lot was included in the rest of the mall.

Mr. Coogan passed out a memo with a recommendation for conditions of approval, noting that it could be modified to fish and hamsters and the like.

Mr. Coogan stated that they could begin part of the site work if they were approved, but there would still be a thirty-day appeal process. He said starting the site work would be at their own risk if they didn't meet all the conditions, but that would be unlikely. Ms. Busconi replied that they would want to grade the ring road before the high retail season and winter as soon as possible.

Chair Hebert asked how they would direct traffic from the construction site. Mr. Dean replied that the construction manager intended to work on portions and divert traffic near Kohls in the interim. He said they would create a temporary detour along the lane in the parking lot.

Mr. Marconi mentioned that Mr. Weinrieb recommended a waiver for their proposal for additional parking. Chair Hebert replied that he didn't think they would need a waiver because they were not increasing the existing asphalt in the parking lot.

Bernie Christopher moved to approve the site plan by KeyPoint Partners, property management for the Crossings mall to construct a 17,000 s.f. Pet Smart at property located at 45 Gosling Road, Tax Map 34, Lot 3 with the following conditions:

1. *Receive a "clean" review letter from Altus Engineering*
2. *Receive a letter from NWWTP that the design is acceptable*
3. *Record approved site plan with Rockingham County Registry of Deeds*
4. *Provide the Fire Department with plans for the sprinkler and alarm systems*
5. *Provide a security in the amount of \$25,000*

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6. *Agree that there will be no sale of pets other than fish and hamster like pets*
7. *Agree to have Altus Engineering observe and inspect site construction*
8. *Pay for all review and inspection fees*

Jim Weiner seconded the motion and all were in favor.

- b) Subdivision proposal by **Michael Mathes** at his property located at 133 Fox Point Road, Tax Map 17, Lot 11

The applicant's surveyor, David Vincent presented a map showing the existing, non-conforming triangle-shaped lot with a curb cut for Michael Mathes home at 133 Fox Point Road and the building at the rear of the lot at 127 Fox Point Road, which had a gravel driveway for many years.

Mr. Vincent stated that Mr. Mathes was not proposing to build any new structures, but he wanted to subdivide his lot so each structure had its own lot. He said there was only fifteen feet of frontage on Old Post Road, which was not wide enough for a driveway, but the frontage on Fox Point Road met the subdivision requirements. He intended on keeping the drive for 127 Fox Point Road to serve the back structure.

Mr. Vincent said the electric power line for 127 Fox Point Road crossed 133 Fox Point and there was only one meter for both dwellings so they wanted to run a new electric service line into the back side of the lot from Old Post Road and sever the line to the back from Fox Point. He said the City of Portsmouth had approved tapping the electric line off Old Post Road.

Mr. Vincent stated that the water service for 133 Fox Point Road also served the house at 127 Fox Point Road, but Mr. Mathes wanted the City of Portsmouth Water Department to provide a separate water line. Mr. Vincent stated that the City of Portsmouth submitted a letter regarding the water line.

Mr. Vincent said both lots had leach fields. He said Rockingham County observed test pits and they had received State subdivision approval and gave Mr. Coogan a copy.

Mr. Vincent said there were a couple of wetland areas on the lot with a bowl in the middle of the field that had been flagged by wetlands scientist, Jack Hayes.

Mr. Vincent noted that the Hoyt family cemetery on the lot was noted on plan. Mr. Mathes stated that he had never known anyone who visited the cemetery. Mr. Vincent added that the right of the family to visit the cemetery would not be taken away.

Chair Hebert asked if the Newington Historic District or Cemetery Committee would have access. Vice-Chair Cross stated that he had talked with someone on the Cemetery Committee that showed the Hoyt Cemetery was on their list of abandoned cemeteries and they had the right to maintain the cemetery with notice to the property owner.

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Chair Hebert asked that a note be included on the recorded plan for that anyone purchasing the lot in the future. Mr. Phillips pointed out that there was a note of explanation regarding the 25-foot buffer on the plan. Mr. Vincent said he could reference the RSA and note that the Cemetery Committee could access the cemetery for maintenance.

Mr. Vincent went through the waiver requests, beginning with the request for a waiver from Datum procedures on plans to have horizontal datum of State plane coordinates and vertical datum to be NAV88. Mr. Vincent stated that the datum was consistent with the previously approved and recorded plans that weren't tied into a GPS system, but were submitted on a magnetic system.

Vice-Chair Cross asked if there would be any problem with digitizing and recording of the plans and Mr. Coogan replied that he didn't think there would be. Board member, Bernie Christopher commented that he didn't see any problems with previous lot line and subdivision plans of record.

Mr. Vincent went through the request for a waiver from the Standards for Subdivision Design to meet a form factor of less than 25 to avoid odd shaped lots and adequate space from the road for the construction of dwellings. Mr. Vincent said the form factor for the current lot was 24.11. He said it was possible for one lot to meet the form factor, but it was not possible to meet the form factor on both lots for the two existing dwellings. Board member, Jack Pare said form factors for subdivisions of non-conforming lots with pre-existing conditions didn't work. Mr. Weiner agreed that the design for a pre-existing condition was fine.

Mr. Vincent stated that the last waiver was from Road Design Standards requiring that utility lines be put underground in the right-of-way or dedicated easement was not practical as there was no proposal for a development or road now and the cost would create an unnecessary hardship.

Chair Hebert commented that he was not in favor of the existing line crossing one lot for access to another. Mr. Vincent replied that there was not an easement because the line was on the same lot and not crossing someone else's lot. He added that the line would be up against the proposed lot line and would not be obtrusive.

Chair Hebert asked if there was a proposal to move the water line and suggested coming in for Old Post Road. Mr. Vincent replied that the City of Portsmouth didn't like having two meters on one line for water, but he would create an easement for the electric utility.

Vice-Chair Cross expressed concern with the establishment of a long-term easement. He asked if they might consider a temporary easement until the lots were sold to avoid a utility easement across someone else's property or if one of the dwellings were rebuilt. Mr. Vincent agreed that could be a condition once the lot was sold.

Alternate Board member, Rick Stern asked if a temporary waiver was legal. Mr. Vincent agreed that it couldn't be on the waiver. Vice-Chair Cross suggested that it be

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listed on the deed. Mr. Stern commented that the waiver would end once another dwelling was built or the lot sold and Mr. Vincent agreed.

Chair Hebert said the Town ran into problems with easements when properties changed hands and he didn't understand why they wouldn't put in new utility conduit for all the utilities while digging. He said he didn't think there was any ledge and it wouldn't cost much. Mr. Vincent replied that he would add a note to remove the utility.

George Layto, who did not identify his residency asked if the frontage on Old Post Road was adequate for a utility conduit and a driveway. Mr. Vincent replied that the City of Portsmouth said the 15.6 feet of frontage was within a foot of where they would need to tap into the water line, but it would not be wide enough for a driveway. Mr. Layto asked about future maintenance and why they didn't run the conduit under the existing gravel driveway and Chair Hebert replied that the distance up the existing driveway would be further and cost more than coming in off Old Post Road. Mr. Vincent added that they would have to bring in another service pole too.

Mr. Coogan informed the Board that they would need to vote on the waiver before they could vote that the plan was substantially complete.

Chair Hebert informed the applicant that they would need a variance unless they moved the lot line in to meet the 50-foot setback requirement for driveways and Mr. Vincent agreed.

Chair Hebert asked when the plan and deed would be recorded if approved. Mr. Vincent said the plan would be recorded, but the deed would not be recorded until the lot was sold and there was a transfer title.

Chris Cross moved to accept the waiver the request from Datum procedures on plans to have horizontal datum of State plane coordinates and vertical datum to be NAV88 for existing datum for the subdivision proposal by Michael Mathes at his property located at 133 Fox Point Road, Tax Map 17, Lot 11. Mike Marconi seconded the motion and all were in favor.

Mike Marconi moved to accept the waiver the request from the Standards for Subdivision Design to meet a form factor of less than 25 to avoid odd shaped lots and adequate space from the road for the construction of dwellings as noted on plan for the subdivision proposal by Michael Mathes at his property located at 133 Fox Point Road, Tax Map 17, Lot 11 because of pre-existing non-conformance. Jim Weiner seconded the motion and all were in favor.

Jim Weiner moved to accept the waiver the request from Road Design Standards requiring that utility lines be put underground in the right-of-way or dedicated easement for the subdivision proposal by Michael Mathes at his property located at 133 Fox Point Road, Tax Map 17, Lot 11. Mike Marconi seconded the motion. The motion did not pass and was denied with none of the Board members voting in favor and all opposing

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Mike Marconi moved accept the subdivision proposal by Michael Mathes at his property located at 133 Fox Point Road, Tax Map 17, Lot 11 as substantially complete. Bernie Christopher seconded the motion.

Tonya Watson of 127 Old Post Road asked for confirmation that the driveway to the back dwelling would remain the same for now and Mr. Vincent replied that it would except that they would be moving the lot line so they wouldn't have to seek a variance or move the driveway.

Chair Hebert asked that the applicant submit the final plan with the lot line change and changes to the utilities as discussed when they were complete.

Mr. Phillips noted that they still needed to add access to the Hoyt Cemetery as a condition.

Ken Latchaw added that the conditions for the final plan would include a note that the Cemetery Committee could have access to the abandoned Hoyt family cemetery for maintenance, that the utility easement would be removed on Lot 11-3 and a plan for separate service would be established if there was reconstruction of either existing structures or when the lot was sold, that the lot line on the proposal would be changed to meet the 15 foot setback requirement along the driveway for Lot 11-3, and that the Town Planner could review the final plan for the Planning Board Chair to sign off. Mike Marconi seconded the motion and all were in favor.

- c) Request by **EI Rodeo Restaurant** to add 28 outdoor seasonal seats to their existing outdoor patio area attached to their establishment at 2064 Woodbury Avenue, Tax Map 27, Lot 28

Mr. Coogan introduced Rene Garcia, manager of EI Rodeo Restaurant. Mr. Garcia stated that he believed there had been seasonal service for former establishments at the same location in the past. He stated that the Fire Chief had done a site visit and wrote a letter.

The Board expressed support and had no further questions.

3) Other Business

- a) Completion of site requirements at **Portsmouth Sign Company** at 19 Nimble Hill Road, Tax Map 7, Lot 20 and Tax Map 12, Lot 15

Mr. Coogan stated that he and Building Inspector, John Stowell recently visited the site to inspect the required improvements.

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Mr. Coogan recommended that they only needed to enclose the dumpster and voluntarily merge the lots as agreed or by site plan as discussed four years ago and then they could release their \$30,000 in escrow.

Vice-Chair Cross stated that he had talked with Keith Cota, Director of the DOT Design Bureau that negotiated and purchased the right-of-way for Mitchell Lane and constructed the traffic circle at the back. He said Mr. Cota was going to check with others and get back to the Town regarding adding the drainage and culverts to the plan for recording.

Vice-Chair Cross said the curb cuts were under the DOT's District 6 and they still needed to determine who would be responsible for mowing.

Mr. Weiner expressed concern that Portsmouth Sign had not maintained the parcel beside Mitchell's Gulf and he was concerned that they would not fulfill their agreement. Chair Hebert stated that the Conservation Commission provided a recommendation of approval for the landscape plan, which was a condition of approval, but enforcement was now up to the Board of Selectmen.

Mark Phillips moved to release Portsmouth Sign Company's \$30,000 bond meeting their conditions of approval to enclose their dumpster and record the merged lots at 19 Nimble Hill Road, Tax Map 7, Lot 20 and Tax Map 12, Lot 15. Mike Marconi second the motion and all were in favor.

b) **Master Plan: Survey**

Mr. Coogan passed out a draft of a citizen's survey proposal from Rockingham Planning Commission (RPC) as requested. Vice-Chair Cross commented that RPC had not provided the survey earlier from Mr. Coogan's input in June as agreed and that he was concerned with getting the survey out and receiving responses by the December 2017 deadline.

Vice-Chair Cross said he hoped to post the electronic survey on the Town website soon and have Town administrative assistant, Eleanor Boy supply paper copies to anyone requesting them.

Mr. Weiner commented that black and white copies of the survey could be sent directly to every household for around \$100 so anyone without computers or who couldn't make it into the Town Hall to pick up a paper copy could still participate. Chair Hebert agreed that sounded reasonable.

Vice-Chair Cross commented that he had always liked the work RPC had done in the past, but RPC hadn't made many changes to the previous survey. He said the funds allocated for RPC's work hadn't been expended yet and the subcommittee might do the survey themselves if RPC couldn't complete the task in time. Chair Hebert commented that the reason for the delay might be that there had been a change in leadership.

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c) **Status Report** by Town Planner

Mr. Coogan referenced his July 26, 2017 report announcing that a Bernie and Phil's Furniture would be moving into the Chuckie Cheese establishment and that they would be presenting a site plan at an upcoming meeting.

Mr. Coogan added that Pickering Marine would be presenting a proposal for the non-conforming Industrial lot on Patterson Lane and wanted to put up a fence around their equipment, which might require a variance.

4) **Announcements**

Chair Hebert asked Mr. Pare if this was his last meeting as previously suggested and Mr. Pare said he was not sure as his move from town was delayed.

Chair Hebert announced that Mark Phillips had submitted his resignation and presented him with a plaque thanking him for his perspective as an outside developer who also encouraged the Board to review the State's RSA 674:58-61 on Work Force Housing.

Mr. Marconi announced that Jack O'Reilly was working with the Recreation Committee on the dinner that the Town was planning for volunteers this year.

5) **Other Business and Discussions:**

Mr. Marconi informed the Board that he and Mr. Coogan, Vice-Chair Cross and Mr. Welch had met with his brother, Geno Marconi, Director of Ports and Harbors for New Hampshire Port Authority regarding the development near Portsmouth Harbor for the last five years that has restricted the use of their port. (Vice-Chair Cross informed the Board that Mr. Welch had Minutes that Town administrative assistant, Eleanor Boy would prepare for sharing.)

Mr. Marconi said Newington was now the major commercial and industrial port in New Hampshire. He added that his brother, Geno had never received much interest in his input from Newington so he was pleased and thought his ACE charts that would be beneficial for the Board to see. Mr. Welch commented that the charts would be helpful for their economic development study.

Vice-Chair Cross commented that the encroachment of residential condominiums on Portsmouth Harbor had killed Portsmouth as a seaport, so it was important for Newington to become attentive to prevent a similar encroachment.

Minutes: *Mike Marconi moved to approve the Minutes for the July 10, 2017 meeting with corrections as noted. Rick Stern seconded, and all were in favor.*

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Adjournment: *Mike Marconi moved to adjourn the meeting. Peter Welch seconded the motion and the meeting adjourned at 9:57 p.m.*

Next Meeting: Monday, August 28, 2017
Monday, September 11, 2017

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

DRAFT