

Present: Chairman Mathew Morton, Richard Ford, Russell Cooke, Edna Mosher, John Frink, Alt John Newick, Planner Tom Morgan.

Also Present: Bruce Atkins and Ted Reed Representing the applicant and Atty Bernard Pelech.

Hearing was opened at 7:03 p.m.

A Request from Sprague Energy for a variance from Article V Section 6 of the Zoning Ordinance to permit delivery of salt by road where ordinance requires product be delivered by ocean going transport.

Correspondence:

Letter dated 12-5-01, from Arthur Bush, International Salt Co. Mr Atkins distributed a document which listed Sprague's justification for a variance.

Minutes of previous meeting:

The minutes of meeting held 9-17-01, were accepted on a motion by Russell Cooke, seconded by Richard Ford.

Chairman Noted that the minutes of 9-17 state that a copy of a fill permit for 193 Gosling Road was to be given to the Town. Attorney Pelech stated that he would see that one was mailed.

Also, trailers parked at the same location should be moved - Attorney Pelech stated that the owners are aware that a CO can not be issued until property owner (GSM Realty Trust) complies with the conditions of approval.

Public Hearing:

Bruce Atkins described the reasons for the request for a variance - that salt is being delivered to the port on Market Street in Portsmouth by bulk loaders and Sprague cannot accommodate this type of vessel, therefore Sprague is losing contracts and their salt storage pads unused. Noted that the type of transport being used is a negotiated contract between the Pease Development Authority (PDA) and the State. The PDA has offered to limit the storage time in Portsmouth to 20 days and allow shipment of the salt to Sprague for storage but the product will have to be trucked. Approximately 100,000 tons would be trucked requiring about 5,000 truck loads.

Newington Zoning provides only for product being received by ship in the Waterfront Industrial Zone. It was noted that the Planning Board, BOA and Town Planner are in agreement with this interpretation of the Ordinance

John Frink asked why the rail system could not be used. Ted Reed stated that it would take major capital improvements - that the present rail service is very poor and other companies that used the rail have switched to trucks.

Tom Morgan asked what route the trucks would take as two of the major intersections are inadequate and unsafe - Mr Atkins stated that the Town would be asked for input on routes and times - that Sprague would accept almost any condition the Town would require...

Attorney Pelech stated that the 20 day restriction imposed by the PDA is to accommodate Sprague and Granite State Minerals and not because of lack of storage space - but to help out the companies hurt by the State/PDA agreement

As there were no further statements from the public Chairman Morton closed the Public Hearing at 7:45 and returned to regular meeting for Board's deliberation..

Chairman Morton stated that as there was a full Board present he would not be voting on this issue.

Russell Cooke stated that the main concern is with the number of trucks - between 3,300 to 5,000.

Richard Ford asked who would have control over the trucking. Mr Atkins stated Sprague and the details worked out with the Town.

It was noted that the PDA, if the variance was granted and a precedent set, could want more products moved by truck and possibly undermine Newington's Waterfront Industrial zoning. Mr Atkins noted that if the salt was shipped by self-unloading vessels Sprague could take direct delivery but this is presently uneconomical for the shippers.

Russell Cooke moved to grant the variance as requested. Motion was seconded by John Frink.

Discussion on the five criteria as follows:

1. To grant the Variance could lead to a decrease property values by the number of trucks creating further unsafe roads and also causing noise and pollution.
2. There is no benefit to the public in granting this variance as the salt will be available anyway.
3. Board was polled and all agreed that to deny the variance will not cause unnecessary hardship as Sprague is not being denied the use of its property
4. Justice will be served by denying the variance by making the roadways a little safer and having less wear & tear of the roadways.
5. The variance requested is contrary to the Spirit & Intent of the ordinance.

The motion to grant the variance failed by unanimous vote.

Other Business:

Attorney Pelech submitted an application for variance and Board agreed to hold a hearing on Tuesday January 22 at 7:00 p.m.

Meeting was adjourned at 8:15 p.m. on a motion by Richard Ford, seconded by Russell Cooke.

Pat Main
Secretary