

**Present:** Chair Albert Hislop, Jack Pare, Bob Simms, Denis Hebert, Chris Cross, John Frink and Tom Morgan, Town Planner.

The meeting was called to order at 6:37 P.M..

**Minutes:** Mr. Hebert moved and Mr. Frink 2nd to approve minutes of November 17 and minutes of November 24 with the following corrections: Page 1. Line 12, spelling - Kelcey; Page 3. Line 15, mottle, not model; line 16, mottles; Line 30, hiss not hist; Line 38, walking (trails), next to last line on page 3, siltation, not silktation; page 4, Marlon, not Marlin; Page 6, line 16, built, not build. Motion carried.

**Correspondence:** Mr. Morgan stated he had the December 8 minutes and 20 minutes ago he received an E-mail from Town Counsel.

### **Public Hearings:**

#### **(A) Proposal by Portsmouth Chevrolet to replace their building at 2025 Woodbury Avenue.**

Mr. Morgan advised Board that Portsmouth Chevrolet was unable to attend, however, he did invite the Sewer Commission and the Fire Chief. There was concern that the applicant would not be there to hear comments from the two, but Mr. Morgan advised the Board that he had told the applicant what he was going to do. George Fletcher of the Sewer Commission think there is an easement on the property and Attorney Loughlin is searching. There was discussion about bringing trucks in, and whether they could get through. There is no problem rerouting the sewer line. He didn't know if Fire Trucks would have trouble getting into the treatment plant. The biggest issue is getting the sludge out of the treatment plant every week. Portsmouth Chevrolet thinks land behind the bank may be available and they would buy it. The bank isn't using it, so they may be interested in selling. Right now, the proposal has too many turns as laid out now. Frink questioned whether there would be a problem turning onto Woodbury Ave., and Mr. Fletcher felt there wouldn't be a problem. He thought it was wide enough. Hebert had concerns about access and whether it would be difficult for emergency vehicles to enter. By rerouting lines, has an engineer been asked if there would be a problem. Mr. Fletcher said Earthtec has engineers who could look at the issue, however, he did not feel there was a problem. Hebert was concerned about conflict of interest and if someone was going to look at design of layout, the town should not have to incur cost. Mr. Fletcher said the cost could be charged to the applicant. It was suggested that Earthtec be asked to look at the proposed routing shown in the drawing presented at the meeting tonight. Fire Chief said if an 18 wheeler can get into the plant, then he can get a fire truck into the plant. What he feels is needed are two more hydrants and a fire alarm and he doesn't see a problem with the proposal. Mr. Pelech advised the Board that Mr. Delorenzo had met with the Sewer Commission regarding the entrance to the sewerage treatment plant and rerouting the sewer line. Mr. Delorenzo was to get back to the Commission after he talks with the bank regarding the back property. He also looking into a ROW easement. The Chair announced that the Public Hearing would be carried to the second Monday in February.

**B) Proposal by Gurubhai Khalsa for a 7-lot subdivision at 300 Little Bay Road.**

Chair asked if there had been a sewer approval from the State. Khalsa said not at this time, but expected it to be forthcoming. Mr. Morgan advised Board that the Fire Chief felt there were enough hydrants. The only other issue was the lot by the cemetery. There is not enough frontage, so would need to go to BOA for Class six road. Board was advised that two things have happened. FAA has asked for an appraisal. Once done, they can look at and compare to the first appraisal. It is FAA dollars that are involved. Simms told Board he and Cross had walked the property and felt it was a pretty decent piece of land. Cross had some suggestions regarding lots 8-2, 3, 4 & 5 regarding Airport Protection Zone, the fact the lots are so long and narrow and there are wetlands involved. There was more discussion from the Board regarding the lots, shared driveway with Lot 3 & 4, and giving the Feds time to respond to request. Mr. Pare made three recommendations: 1. Identify the Runway Protection Zone Boundary on plan; 2. Show lots 8-3 and 8-4 with individual driveways, instead of shared, until there can be a shared driveway policy; and 3. The need to see written approval from PSNH for driveways on 8-3 & 8-4 or that they would abandon the ROW. Mr. Cross was concerned about fire safety, with the 350 ft. Set back of lots 8-3 and 8-4. Mr. Morgan informed the members that he had asked the Fire Chief if he had reviewed this plan and he had no problem with the subdivision. Morgan will get a letter from the Fire Chief stating this fact. Cross made a motion to approve subdivision 8-1 as planned and the remaining lots be provisional for six months pending FAA action. Mr. Pare seconded. Mr. Morgan questioned what provisional meant. After some discussion, Cross withdrew his motion and Pare withdrew his second. Cross moved that the Board approve 8-1 and Lot 8 and action on further subdivision be delayed pending FAA action for six months. Pare seconded. There was more discussion and the Chair polled the Board to make sure all were in agreement that this was a viable subdivision. All were in agreement. Motion carried. Mr. Morgan pointed out that the time for extension was about to run out, so Board would need a written statement from Ms. Khalsa stating she was in agreement with motion. She said she would do so tonight. Gerald Dexter of PDA was present and agreed to bring information back to appropriate individuals. Public Hearing will be scheduled for the second Monday in July 2004.

Chair announced we would go to Proposal D because there were several residents present with children.

**D) Proposed trucking facility at 34 Patterson Lane.** Chair announced this proposal was being heard next because there were several residents with children from Patterson Lane who had been waiting. Fred Attalla, Marketing Agent and Keith Frizzell, owner of property were there to represent proposal and answer questions. Mr. Attalla reviewed proposal before the Board. Proposing to utilize the facility as a trucking facility. This is a 4500 ft. L shaped building and plan to continue to use this building and adding an additional 1400 square feet for use for maintenance of trucks. They would continue to use the present parking spaces with additional parking spaces for 5-6 trailer trucks and up to 20 spaces for trailers. The new addition would fall within 95 feet of wetlands. Asking for a second curb cut to allow trucks to go in and out without getting too close to the building. Dick Desroches, owner of Piscataqua Trucking, and George Flechter, employee, represented the company. Mr. Fletcher stated it was not a truck terminal as thought, new trucks, some smoke, in 20 seconds, it dissipates. They have never had a complaint from Greenland. They have 17 registered trucks, only 5-6 would be there overnight sometimes, mostly weekends and for service. The rest of trucks would be on the road. He feels there would not be much noise or

2.

leaking fluids, they are practically new trucks. All major repairs done by dealerships. Trailers would be serviced at facility and would be mainly tires, grease, lights. Mr. Beebe asked if they

had air-conditioning in the trucks. Response was yes. They are flatbeds, not box cars. Beebe understood that when trucks have air and are run by diesel, they have to be kept running, summer for the air, winter for the diesel fuel. Flechter said they are going to have a rule that the trucks are not to be left running more than 5-10 minutes. They are going to enforce the rule because they can't afford with the cost of fuel. Paul Reardon, 66 Patterson Lane, said for whatever purpose it served, he works for Federal OSHA. He has lived in this area all his life and there has always been clean, light industry in this location and what they are proposing is a dirty, noisy operation that is an environmental accident waiting to happen. Question was asked if this was an allowed use. Mr. Morgan responded if this is being considered a truck terminal it is an allowed use in this area, according to the zoning book. Cheryl Hopkins, 58 Patterson Lane asked what time of day trucks would be running? When they bought the house in March, it was represented as a residential road and that there was this non-descript small building at the end of the road that had this little business but wasn't intrusive to the residential tone of that road. She understood that the road was backed up by a power plant, they understood, however, that the power plant had some limitations as to when they are suppose to run and when they are suppose to be noisy. The other problem she had was that there is a ledge that runs under the houses (Yeaton, Beebe and hers) and is parallel with Patterson Lane and affects all the houses. The effect on their house is ground water wells up behind that ledge on the uphill side of the ledge and then spills over into the basement so they have a chronically wet. The other concern is that they have a well and if there is a spill from this business it would affect their well and their basement. Other concern is when you come up Shattuck Lane onto Patterson Lane with a tractor trailer truck they would not be able to see a child walking on that road. She understands the entrance to Sprague is only used in an emergency, trucks are not permitted to use entrance otherwise. Erin Haas, Patterson Lane, expressed concern because the school bus stop is at the end of Patterson Lane. Also concerned because her eight - year-old daughter and she often ride their bikes on this road. Deanna Webber, 114 Patterson Lane, was also concerned because her sons and friends ride their scooters and bikes on Patterson Lane and her youngest son, Adam, has to wait for the bus at the end of Patterson Lane. Mr. Beebe, 54 Patterson Lane, talked about the rise in the road just beyond the proposed business and concern of not being able to see pedestrians, bike riders, cars, coming over that rise. He also pointed out that at lunch time you will see several people who work in the area, walking Patterson Lane. Mr. Attalla said they would not be bringing trucks beyond business, however Ms. Hopkins said, but they should not be on Patterson Lane. Residents should be protected. Trucks sometimes come very fast down the hill on Shattuck Way and if they have to turn into Patterson Lane, they could miss. There was also concern about the natural gas line which is directly across the road from the proposed business. The residents of Patterson Lane presented a copy of a list of questions before the Board in regards to this proposal. 1). The history of this property has always been clean light industry. What are the benefits of changing it to heavy industry for the residents of Patterson Lane and the Town of Newington? Response: They would be able to park equipment when not being used, close to GP so more conducive to their operation, would have a facility to maintain trucks and trailers inside for oil changes, using pneumatic tools, etc. Cheryl Hopkins, 58 Patterson Lane asked if they changed oil there, what would they do with the old oil? She stated there was a ledge that ran the length of Patterson Lane and she, the Beebes and Ms. Yeaton had wells. What if there was an oil spill? Response was they didn't feel this would happen since they have new trucks and oil would be changed in the building. To get rid of old oil they burn it. 2). What are the proposed

3.

hours of operation? Mr. Fletcher said it would be five days a wk., about 8-5, Saturday mornings a mechanic service trucks. Sunday afternoon there might be one or two trucks leaving for a job. May have driver stop off on a Thursday night to do paper work, but there will not be a lot of

trucks there. 3). Is this truck terminal going to turn into something similar to the truck stop in Greenland? Response, they are not going to sell fuel, five trucks Friday night, maybe Saturday. It is not a truck terminal, most will not be parked. 4). Are the trucks and heavy equipment that are to be stored there from area existing companies? Only Piscataqua. 5). Will refueling and other services take place on the property? No refueling, only maintenance. 6). There is a proposed building addition to the existing property, for what use? To allow trucks to be maintain. Existing building is not long enough for tractor trailers to be serviced. 7). What kind of work will employees being doing, if repairs, what kind? Service at facility would be mainly tires, grease, lights. 8). How will hazardous materials such diesel fuel, hydraulic fluids, antifreeze, oils, etc. be handled? There is a furnace that burns the oil. What about smoke from burning this oil? Fletcher stated there would be minimal smoke and it would dissipate in a few seconds. 9). Who from this operation will oversee the clean up of Hazardous material spills in a timely manner so as to prevent contamination of home owners wells and surround wet lands when they pass down through this proposed gravel parking lot? Fletcher believes the plan is to put a berm up near Ms. Yeaton's house and then flatten out so slope is toward the building and not toward the residence. There was discussion regarding a culvert across the street and if anything leaked out into the ground it would go into culvert and would (could) affect the wells on that road. Mr. Attalla wanted to know if town water was available. Mr. Beebe responded that it was a resident's prerogative to use well water. Mr. Morgan said, yes, Town Water is available to all residents. 10). Will these employees have certified training to respond quickly to any and all hazardous spills? Mr. Desroches said he would think they would. 11). Noise compliance and air pollution is a huge issue with the local Patterson Lane residents, will this proposed truck terminal be able to comply with strict noise and air pollution requirements? Response, feel with plugging in trucks, there won't be need to run, so noise would be minimal, few trucks and some nights may not be any trucks. Pollution requirements have already been discussed. 12). The Patterson Lane Road is not rated for heavy equipment and is posted by the Town of Newington stating that fact. Mrs. Beebe stated that the sign got moved when they were doing construction for the power plant and when they put the sign back up they put it where it is now. It was closer to what is now Shattuck Way. Attalla said that may have been, however, it would be detrimental to this property which is zoned industrial if they couldn't bring trucks in there. It doesn't make sense. 13). The road way is not wide enough for heavy trucks and equipment to be turning in and out of this lot on a constant and continuous basis which would also create a public safety hazard to Patterson Lane property owners. Attalla responded that as far as he knew road was wide enough for tractor trailers. Beebe clarified that tractor trailers can go down Patterson Lane in an emergency to turn into Sprague, they are allowed access and egress, but they cannot turn. In terms of turning, he has personally had to hand walk tractor trailers who have accidentally turned onto Patterson Lane. He has backed them down because they don't dare to go any further. Mr. Attalla felt they had sufficient runway to go in and out of the proposed area. 14). There are 15 families that reside on Patterson Lane that pay roughly \$60,000 a year to the Town of Newington in property taxes, the owner of the proposed truck stop lot pays roughly \$5,000 a year. Mr. Attalla responded that yes, if you add all the residents that would be the case, however, if we were to do that, than we could add up all the industry in the area, such as the Power Plant and the taxes would be more. 15). This question is directed to the owner of the lot in question. Sir, being a good steward of the land in the Town of  
4.

Newington, if this proposed truck terminal was to be placed in your back yard, what would your reactions be? Mr. Frizzell responded that this was an accepted use of the land, however, he did not say what his reaction would be if it were in his back yard. Mr. Attalla informed the Board that they have made an application to go before the Zoning Board for a variance. Additional

discussion included noise ordinance, suggestion that the document dated 1974 be updated. Concern about number of trucks and hours of operation, Mr. Frink said if it comes before the Planning Board they can attach restrictions, hours and number of trucks. Concern that applicant wasn't able to come in with a proposal that said exactly what they plan to do, when, etc. Mrs. Sweeney reminded Board that at the Preliminary hearing, Mr. Desroches presented the operation as a two-shift operation and that there would be trucks leaving at 1:00 A.M. in the morning. He originally said there would be 20 trucks at this location. Mr. Fletcher said there are shifts at Georgia Pacific. There may be some nights where there might be one or two trucks that might leave late at night. Chair asked if there would be a donkey truck to take the trailers from GP to proposed property, Fletcher responded it's possible. Chair asked if this would be between 8 - 5 or would trucks arrive at different hours. From 8 - 5 for sure, could happen later, they have two shifts at GP. Mr. Beebe wanted to know if Board had gone over to see property and putting yourself in position of truck driver and whether they could get out of that driveway. Mr. Cross advised that the proposal had only been brought before the Board for Preliminary Hearing last meeting and that the Board had decided to have a Public Hearing up front to give residents an opportunity to respond. Beebe hoped that at the least the Board would go over to review the property. He knows that Zoning allows, but for safety, hazardous potential and for the noise, those three factors should be considered before allowing this proposal. Norm Leclerc, 105 Patterson Lane, wanted to know what Board would require if proposal was approved. Gary Antrim, 58 Patterson Lane was concerned about trucks going down through very fast. Board member Hebert felt the big issue is safety, another issue is the permitted use and the third issue is the size of the lot. Mr. Reardon felt that rather than a gravel lot, the minimum they needed was hot top. What happens if there is a spill? Hebert was more concerned about the dust. Residents asked if Board was voting on this tonight and Hebert responded no. Mr. Morgan stated they would need a variance for the existing building and if driveway is under 100 feet from wetlands they would need a variance for that also. Hebert stated he felt strongly that gravel driveway was not appropriate and he felt they would need to go to ZBA. Board member Pare stated we wanted the Public Hearing early and he felt having the Public Hearing early he has learned several things tonight which probably should be addressed by discussion. 1.) School bus stop moved up to be opposite proposed terminal, applicants were not aware of that, need to look at that and mitigated somehow. 2.) Width and construction of Patterson Lane. We may need to look at sidewalks. 3.) Used oil, while that may be the practice in Greenland, it may be wise to consider the use of the recycling plant at Sprague. 4.) Fluid spills on gravel, need to look at paving lot and doing treatment swales and berm. 5.) Need to address the issue of noise level, part of issue discussed at the first meeting with the use of a berm with vegetation facing the resident. He was also interested in seeing a copy of the Portsmouth Noise Ordinance. Chair closed Public Hearing at 9:30 P.M.. Next Public Hearing on request will be held the 2nd Monday in February. Residents told they would not receive another notice, told proposal would be going before the Zoning Board first and Planning Board would meet in February. Chair feels Board should walk the property.

**Preliminary Discussion:** Request by ConEd and Westinghouse for a lot line adjustment near the corner of Avery Road and Shattuck Way. Richie from ConEd and Hank from Westinghouse. Part of the deal when they built the Plant they worked in conjunction with Westinghouse and built a

5.

forklift road so Westinghouse could safely transport their forklifts from their warehouse to their main building. Deal was, ConEd would build it, basically on our property. Once plant up and running, ConEd would transfer that piece of land over to Westinghouse. Avery Road is easement on Westinghouse Lot. Here to begin the process of transferring that piece of property. Applicants advised they need recording plan for next meeting. Hebert moved, Frink 2nd, that we bring to Public Hearing 2nd Monday in February. Motion carried.

**Old Business:** Toys R Us trailer permit extension. Aaron Rudolph, new manager of store was before the Board to asked for an extension of a temporary permit for two storage trailers. There was discussion regarding new regulations regarding permits. Applicant was advised he should consider an addition to the building to accommodate storage of items. After some discussion, Hebert moved that the Board grant a new permit for 90 days with the understanding the applicant will submit a proposal for expansion of the store to the Planning Board. Cross 2nd, motion carried. Applicant understands he can not get another extension.

**C) Proposed zoning amendments re: permitted uses in the Office Zone.**

Chair brought letter of December 19 from Wayne Styles, Tyco to attention of Board. Mr. Morgan recapped discussion of last meeting. Board members liked conference facilities, but hotels failed, 3-3. There was a lot of discussion from various Board members regarding use, what should be included, etc. Morgan advised Board that our Attorney did not feel we had an issue. Mr. Pare felt hotels rounded out the office zone. There was concern about the type of hotel/motel that might come in and after some discussion, Hebert made the following motion: Under Section 2- Office District "O" B-Principal Uses Permitted: (1) include Day Care facilities, hotels of three stories and conference facilities. Cross 2nd, motion carried.

**6. New Business:** Regional Impact notice re: Schiller Station conversion. Mr. Morgan asked members to review draft of letter to be sent to Portsmouth Planning Board, Board of Adjustment and Technical Advisory Committee. There was a lot of discussion regarding the letter. After addition of the following at the end of paragraph four: "In any event, we expect that you will require the applicant to keep Gosling Road in good repair.", Hebert moved and Frink 2nd that the Chair sign and letter be sent. Motion carried.

**E) Proposed amendment re: Bed & Breakfast Inns in the Residential Zone.**

Hebert made a motion and Frink 2nd that we table proposal until next year. Motion carried. Frink move, and Simms 2nd to adjourn, motion carried. Meeting adjourned at 10:40 PM.

Respectfully Submitted,

Sandra W. Sweeney, Secretary