

# NEWINGTON PLANNING BOARD MEETING

## Minutes - REVISION

Monday, January 8, 2007

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1. **Call to Order:** Sandy Hislop Chair Person called to order the meeting at 6:32 P. M.

**Present:** Sandy Hislop, Chair Person, Denis Hebert, Vice Chair Person, Jack Pare, Vincent Frank, John Frink, Peggy Lamson, Gail Klanchesser, Cos Iocovozzi, and Tom Morgan, Town Planner.

**Not Present:** Cos Iocovozzi

**Guests:** Dennis Moulton, PE, VP of Ames MSC, Frank Swanson, GM of VIP Parts Tires & Service at 29 Fox Run Road, Michael Faulkingham, owner of the building.

1. **Preliminary discussions:**

**A) Proposal by King Weinstein to expand the parking lot at 177 Shattuck Way**

Tom: He notified them last week and they didn't respond/reply. Denis proposed to move to the next meeting.

**B) Proposal by VIP Parts Tires & Service to convert the roller skating rink at 29 Fox run Road to a retail facility**

Dennis Moulton gave a presentation on what the proposal consists of. It's a 19,500 sq. ft. building. Has 85 existing parking spaces, entrances to Woodbury Avenue. Increased pavement on the Woodbury Avenue side of the building for access to the automotive bays. Parking will pretty much remain the same, etc. Discussion ensued regarding traffic and about Fox Run Road, Exit 2 going away. Jack: Woodbury Ave. would be upgraded, etc. Jack suggested going to the NH DOT web site to keep them up-to-date/everything that's happening regarding the highway plans. Questions entailed re trucks moving in and out/deliveries, residence in the area, lighting, glass doors to match building façade and detailed cove, architectural detail, concrete apron and paved road (Tom: 30 foot setback), etc. Peggy suggested cutting down the lighting on Woodbury Ave. Dennis Moulton suggested going to their website re Town of Scarborough and see what they did there. VIP stands for Volume Incentive Pricing. Denis asked Mr. Moulton to tell the PB about their business re solvents, how many employees. Mr. Moulton: They have a potential of 8-10 employees and with this many bays, he would guess 15 this time of year when snow happens. Within the company, Clean Harbors is a containment company and they are on call for them, available 24 hours a day. They have an excellent safety plan in case of any spills, etc. They have no flow drains in the service area, none, and in the store, they will have 3-4, i.e., bathroom, etc. Denis: Did you talk to the Fire Chief yet? Mr. Moulton: No, they came to the PB first. Denis suggested making a trip to see the Fire Chief. Mr. Moulton: No plans on the tenant next door and he showed the Board the layout. They are predominantly taking over most of the building. The Fire Marshall (re fire sprinkler) was happy with what they did in Scarborough. Sprinkler system is in the building and is over sized

for that building. Amount of tires they store there doesn't dictate a hazard. Discussion/questions ensued. They will issue a landscaping plan and Frank reminded them they have to go to the CC with the plan. Denis: Discussed the lighting ordinance. Frank: Customer safety is very important to them and lighting up the parking lots. Store hours are 7 to 7. Denis discussed his concerns regarding aerosol/spills, noise during operation, and exhaust containment with muffler/air conditioner, lighting and signage. Mr. Moulton: They are covered in all these aspects. Jack brought up the landscaping plan again to break up lighting (using trees/fences) and also mentioned that the Board is trying to encourage them to put a pass through from one property to another, it would be worthwhile jointly to figure where these might go before you get into your grading plan. Chris: Going a step further. Texas Road House indicated that they would be willing to work with them (the abutters). Chris: Stated TR had plans to show them and it would be beneficial/worth while for them to create those (pass through). Discussion on lighting/parking lot resumed. Chris brought up drainage/catch basin (treatment swales). The PB is going to request they do this. Denis: They need to take a serious look at that. Sandy: Any other questions? Any questions from the Public? Looks like a pretty good plan, but have work to do on it. Denis: Question to ask the Board is re sidewalks, should we ask them to contribute to sidewalks and have them talk to Tom on how to calculate costs. Most recent is Texas Roadhouse. Tom: What we have done initially we have asked the applicant to give the Board an estimate. Discussion ensued. Tom will find the specs on our website, etc. Denis suggested getting together with the Fire Chief ASAP. Chris made a special request. He suggested notifying the residential abutter (Julie Beal) that is from out-of-state/send a letter to her and it's important for her to know what they are doing and give her special consideration she'll need on this lot. Suggestion they work with Tom on putting a package together and send it to her. Discussion on this ensued. Sandy: Any further questions? Place if forth on the next agenda. Mr. Heiderman did work with them on a cross connection option. A short discussion took place. Tom: On what form would you like to see this on the PB agenda? PB: Under Preliminary Discussion.

## 2. Public Hearing:

### A) Proposal to add a lighting article to the Zoning Ordinance

Discussion ensued on the proposal. The following are the changes Tom made:

# Public Notice

The Newington Planning Board will hold a public hearing on **Monday January 22, 2007 at 6:30 PM** at the **Town Hall** in order to consider a proposal to add the following Article XVII to the Zoning Ordinance, and to re-number subsequent sections accordingly:

## Article XVIII - *Lighting & Illumination*

**SECTION 1 – Purpose:** This article is intended to eliminate problems of glare, minimize light trespass

and obtrusive light created by improperly designed and installed outdoor lighting. Further purposes are to enhance and protect the quality of the New Hampshire night sky, Newington's rural character, and conserve energy and resources. These concerns are balanced while maintaining safety, security and productivity by establishing limits for the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination in the Town of Newington.

**SECTION 2 – Prohibitions:** This section applies to all lighting within the Town of Newington on any site except for legal non-conforming uses and temporary or emergency lighting.

**A - Mercury Vapor Lamps Fixtures and Lamps.** The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

**B - Laser Source Light.** The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

**C - Searchlights.** The operation of searchlights for advertising purposes is prohibited.

**D - Neon or Tubular Gas.** Neon or tubular gas lighting shall be limited to signage use and must be located within the exterior dimension of the sign as approved under Article XI of this ordinance. Neon or tubular gas lighting as architectural accents is prohibited.

**E - Pulsating, flashing, rotating, oscillating, or attention getting lights.** Pulsating, flashing, rotating, oscillating, or other type of lighting intended, as an attention getting device shall be prohibited. Oscillating lighting is lighting that changes intensity or color in less than 30 seconds.

**SECTION 3 - Residential Lighting:** These provisions are intended to prevent private and public nuisances and protect property values. This section applies to existing and proposed single-family and duplex residential uses.

~~**A - Residential lighting uses shall not be used or maintained in such a fashion as to inhibit or interfere with the use and enjoyment of neighboring properties.**~~

~~**A B - Spot lights, floodlights and other bright security lighting shall be limited in such a fashion as to not direct light onto neighboring property. Security lighting using motion detection switches are encouraged, but continual lighting must be angled or shielded in such a fashion as to not produce glare onto neighboring property, particularly dwelling units.**~~

~~**B C - Accent lighting, low wattage seasonal lighting and other fixtures commonly associated with residential uses are not intended to be prohibited by this ordinance.**~~

**SECTION 4 - Non-residential:** These provisions are intended to provide for more comprehensive lighting regulations due to potential negative impact on a greater number of residents and the public from inappropriate lighting installation or fixtures. In addition, it is the intent of these restrictions to prevent lighting conflicts and competing lighting installations - particularly in the commercial, office and industrial districts of the Town of Newington. This section applies to non-residential uses. The Planning Board shall adopt regulations as part of the Site Plan Review Regulations that implement the purpose and intent of this ordinance.

**A - A Building Permit shall be required prior to the installation of any new fixtures on existing**

non-residential uses. If the original Site Plan Approval granted by the Planning Board specified, in detail, the type and nature of lighting, any increase or change in lighting that may have an increased impact on the site shall be referred to the Planning Board for Site Plan Review. The Building Official shall approve a permit for other installations upon a finding that the fixtures comply with the following general lighting requirements.

**B** - Spotlights, floodlights, and other bright security lighting shall be limited in such a fashion as to not direct light onto neighboring property. Security lighting using motion detection switches are encouraged, but continual lighting must be angled or shielded in such a fashion as to not produce glare onto neighboring property, particularly dwelling units.

**C** - General Lighting Requirements:

(1) All lighting in the Town of Newington is required to have full-cutoff shielding, except for that portion of lighting installation that is consistent with the Historic District.

(2) The new installation of up-lighting, by any method, is ~~prohibited; however, the~~ limited to the use of upward landscape or flagpole lighting, ~~on a case-by-case basis may be approved~~ provided the lighting does not interfere with the safe operation of aircraft or spill onto neighboring properties or public ways.

(3) Non-cutoff wall pack type fixtures are prohibited.

(4) Existing lighting sources that do not present a health and safety issue with respect to glare on public ways or nuisance as a result of off-site illumination shall be exempt from the provisions of this ordinance.

**D** - New fixtures accompanying establishment of new uses or change of use that requires Site Plan Review shall have lighting plans approved as part of the Site Plan Review process.

**SECTION 5 - Grandfathering of Non-conforming Lighting:** ~~All lighting lawfully in place prior to the date of the adoption of these provisions shall be grandfathered. However,~~ Any lighting that replaces a grandfathered lighting, or that is moved, must meet the standards of this ordinance. Non-conforming lighting for advertising signs or architectural accents is grandfathered only for a period of ten years and no later than January 1, 2017. Grandfathered lighting that directs light toward streets or parking lots that cause disability glare to motorists or cyclists shall be either shielded or re-directed within 90-days of notification so that the lighting does not cause a potential hazard to motorists or cyclists.

**SECTION 6 – Exceptions:** All temporary lighting required for construction projects, related to road construction and repair, installation of sewer and water facilities, and other public infrastructure, all temporary emergency lighting needed by the police and fire departments or other emergency services, as well as vehicular luminaries, all hazard warning lights required by Federal regulatory agencies, and seasonal and decorative lighting displays using multiple low wattage bulbs.  
Albert Hislop, Chairman, Newington Planning Board

Gail made a motion to post the amended proposal by the 18<sup>th</sup> of January 2007. Jack seconded it. Sandy: All in favor of the motion? AYE. None opposed. The next hearing is on the 22<sup>nd</sup> of January 2007.

Vincent seconded it. Sandy: All in favor of the motion? AYE. None opposed.

### **3. Minutes of December 11 & 18<sup>th</sup>, 2006**

John made a motion to accept the December 11<sup>th</sup>, 2006 minutes. Denis seconded it. The minutes were reviewed and corrections were addressed. Pearl will make corrections and the revision will be e-mailed out. The minutes of December 18<sup>th</sup>, 2006 will be reviewed at the next meeting. Sandy: All in favor of accepting the minutes as amended? AYE. None opposed.

Per John, Discussion ensued on the newspaper posting of Public Hearings. The PB also discussed who would be attending the Wednesday night Budget Review @7 P.M.

#### **Adjournment:**

Sandy: Any more business to discuss tonight? None. Vincent made a motion to adjourn. Denis seconded it. Sandy: All those in favor of adjourning, AYE. None opposed. Meeting adjourned at 9:05 P.M.

Next meeting is January 22, 2007 at 6:30 P.M.

Respectfully submitted:  
Pearl Travis-Sirois, Recorder/Transcriber  
File: NPB Minutes: 1/8/07