

Present: Chairman Sandy Hislop, Denis Hebert, Barbara Hill, Robert Simms, Chris Cross, John Frink, Cosmas Iocovozzi, Alternates Peggy Lamson & Jack Pare, Planner Tom Morgan.

Meeting was called to order at 7 pm

Minutes of Previous Meetings: Minutes of meeting held 12-9-02, were amended to add that the Selectmen should also contact EFSEC on the matter of noise level violations at the new power plant. Minutes as amended were accepted on a motion by Barbara Hill, seconded by Peggy Lamson.

Correspondence: Letter (12-24-02) from Meridian Land Services - a safety review of the ICR construction.

Letter (12-11-02) from Westinghouse, Old Dover Rd, asking that the Board consider 4-way traffic signal where Avery Rd intersects with the ICR.

Draft of letter prepared by Attorney Loughlin - re: zoning issues on the Ty-Com/Simplex properties.

Report of Community Sound Compliance Test (9-5-02) by Acentech

Memo (12-14-02) from NH Div of Historic Resources re: status of the LCHIP program

Copy of letter (12-18-02) from City of Portsmouth to Town of Greenland re: Retail Development on Route 33, and the regional impact.

Groundwater:

Dave Allen, Deputy Director of Portsmouth Public Works, advised that they had been approached by a Newington property owner (Paul Mazeau) about a possible water production well for municipal purposes. Portsmouth water master plan shows a possible water deficit in 5 to 10 years and new sources are always considered.

The process includes digging test wells for water quality and quantity and if favorable will pursue acquiring rights to add to the Portsmouth system.

John Frink asked if there could be any impact on local private wells and was told "not likely" the proposed supply is a deep bedrock well. However, area wells will be part of any studies.

Denis Hebert asked if a storage tank would be erected and was told that a tank would not be necessary - that the only structure would be a small (10X12) building. Denis also asked about ownership of water rights and possibility of selling to commercial interests. Board was advised that the City of Portsmouth is only interested in adding to the municipal distribution system.

Board expressed their agreement with the proposal and noted the added benefit of having a large parcel of land kept as open space.

Mr Allen agreed to keep the Planning Board informed.

PUBLIC HEARINGS:

A) Proposed Convenience Store at the corner of Woodbury Ave and Gosling Rd.

Board was advised that the Fire Chief had requested a wider Fire Lane to the rear of the building than previously approved and the applicants, Joe Mitchell & John McGovern, had received a variance for a 15' lane. Tom Morgan noted that any sidelines on the plan that do not conform has received variances from the Board of Adjustment.

There being no further comments from Board or public, the Public Hearing was closed and the Board returned to regular meeting.

Chris Cross moved to approve the change to the fire lane, seconded by Denis Hebert and carried. Board will sign updated plan when presented.

B) Zoning Amendments to regulate storage trailers and containers.

Board reviewed Public Notice, as posted, and made two minor corrections: the word repaired in Section 5, changed to repair and deleting the quote mark at the end of Section 6.

There being no further comments from Board or public the Public Hearing was closed and the Board returned to the regular meeting.

On a motion by Chris Cross, seconded by Barbara Hill, it was voted to move this proposal to the March Town Meeting Warrant.

C) ConEd and Mareld Corp subdivision and lot line adjustment.

Gerard Gagne presented the modified plan and described the purpose to subdivide lot 19-10 owned by ConEd with the portion now the Industrial Corridor Rd (ICR) to be conveyed to the Town and the balance reconveyed to the Mareld Corp and annexed to parcel 19-14.

Noted that Boards requests from last meeting re: Hauch Storage, the Cemetery and abutting properties, are shown on plan.

Board discussed the lot line changes and noted that the Tax Maps will need to be corrected. Tom Morgan stated that this will be taken care of. Board also questions why the lines to be abandoned are not noted on the plan. Mr Gagne advised that to deed the land an approved subdivision plan must be recorded - he agreed to supply a modified plan showing merged lots for town records. Mr Walsh, Old Dover Road, was present and asked for more details. Mr Gagne answered his question.

There being no further comments from Brd or public the Public Hearing was closed and Board returned to their regular meeting.

On a motion by Denis Hebert, seconded by Robert Simms, the plan was approved and the mylar signed for recording.

D) Industrial Corridor Roadway

Tom Morgan stated that the primary purpose for this hearing was for public comment - that the Planning Board will be making recommendations to the Selectmen on acceptance of the road. Plan of road was presented by Gerard Gagne of Meridian Land Services and noted that all drainage and ROW easements are shown on the plan. Also noted that some work at certain intersections is not complete - the work will require redirecting traffic onto the ICR and traffic cannot directed onto the ICR until road is accepted as a Town Road.

Board reviewed plan and the various accesses. The request by Westinghouse for a 4-way traffic light was discussed and Mike Desrochers of Edwards & Kelsey stated that the level of traffic at

the intersection of Avery Rd & the ICR does not meet State standards for a traffic light. It was suggested that, if Westinghouse pursued the matter, a traffic study should be conducted. Speed limits on the ICR, at present, are 30 mph.

Tim Yip, owner of the Asia Restaurant, River Road, was present and voiced his concern about the safety of his customers exiting his business after the ICR is opened and large trucks will now head south on River Rd toward the ICR where presently they head north from Sprague to the underpass. Noted that road is narrow and visibility, especially at night, is not good. Board suggested that the State cut back some vegetation and also, could add a street light on the pole across from the Asia driveway.

Mr Yip also asked about the property across from his - he is concerned that an unused, open building could attract illegal activity ConEd will be asked to check their plans for this area and secure the building..

Lyn Kroll, representing PSNH, asked about time lines - that PSNH has a sewer easement agreement with the Town which should be released when ICR is accepted. Ms Kroll was advised that release of agreement should be discussed with the Sewer Commission..

Attorney Ratigan addressed the various bonds being held for completion of this project and suggested, as the plans accurately depict the project as instructed, the majority of the funds be released.

Noted that there are still items on a punch list, including the River Rd cul-de-sac, that will need to be addressed after snow melts and the project is walked.

There being no further comment from Board or public the Public Hearing was closed and Board returned to regular meeting.

Denis Hebert moved that the Planning Board advise the Board of Selectmen, in writing, to consider the process for accepting the Industrial Service Road as a Town road and take the following action regarding the bonds: Hold the \$552,000 being held for completion of project; Release the \$50,000 being held by Attorney Peter Loughlin; Release the \$70,000 held for possible eminent domain expenses; Release the \$50,000 held for Henry Renfrew (safety issues); Hold the \$15,000 bond from Asentech until Selectmen have reviewed any outstanding charges. Motion was seconded by Barbara Hill

Selectman Iocovozzi stated that the Town has paid certain expenses that should be reimbursed. Motion was amended to state that any release of bonds should be subject to final review by Board of Selectmen. The motion, as amended, carried

Also noted that, to date, the ICR has not been named.

Chairman Hislop thanked all of those involved in this lengthy and important project.

PRELIMINARY CONSULTATIONS

A) Proposal by Tyco for 3 Lot Subdivision:

Peggy Lamson stepped down citing possible conflict of interest
David Letour and Attorney Steve Tober were present to further discuss the proposal to construct two restaurants on lots fronting on Woodbury Ave with shared driveway onto Piscataqua Drive also shared parking. Mr Letour advised that plan was modified to conform with setback requirements on Piscataqua Drive. Also have added an right turn in/right turn out curb cut onto Woodbury Ave which, according to Mr Letour, the State sees no significant impact. Plan shows shared parking along the lot lines dividing the lots and John Frink pointed out that this would require a variance from the BOA John also noted some encroachment of wetlands, that there seems to be too much development for the usable space.
Denis Hebert stated that the plan does not look any different from the last meeting - that the Board requested a copy of Tyco's Master Plan in order to determine the plans for the balance of the property being retained noting that ordinance only permits restaurants as an accessory to office use.. Also, for safety reason, he couldn't approve any curb cut onto Woodbury Ave - that the ICR was designed to relieve the traffic on Woodbury Ave. Many Board members voiced concern about this access - that the traffic in this area of Woodbury Ave is very often gridlocked. Atty Tober advised that the two front lots (6+- Acres total) is all that is being sold - that Tyco has no Master Plan and advise that they have no hidden agenda. He added that the proposed development is an appropriate use.
John Frink stated that this proposal could be creating a hardship if, in the future, the lots end up in separate ownership. Atty Tober said that the shared access could be handled by deed agreements.
Discussed the wetlands (1/10 acre) to be filled and suggested putting the two businesses in one building to prevent use of wetland. Mr Letour stated that this was not economically feasible. Chris Cross suggested, if a second access was needed, that access could be made through the present deRochemont driveway.
Mr Letour was again advised that the shared parking within the sideline setback and the use of wetland would require variances from the BOA.
Denis Hebert stated that the plan shows maximum use of the land - disregarding public safety. Discussion closed.
Peggy Lamson returned to the table

B) Two Lot Subdivision proposed by Warren & Jeanne Heath

John Frink stepped down citing possible conflict of interest.
Mike Landry represented Mr & Mrs Heath and presented plans.
Abutter Chip Eames, 436 Newington Road, stated that he wants the Board to be aware that he has a drainage problem requiring two culvert under his driveway and he would not like any water directed toward his property.
Abutter Barbara McDonald questioned the boundary line between properties - that the old Air Force easement road has, for many years, been considered as part of her property. The plan shows the line in the center of the easement road.

Denis Hebert suggested that both parties resolve the boundary line before returning to the Board. Apart from this dispute, it appears to be a simple subdivision. Mr Landry was advised that test

pit data must show on the plan.

Applicant had requested, in writing, waiver of the following:

Requirements for accurate USGS elevations and 6"X50" bound. On a motion by Chris Cross, seconded by Cosmas Iocovozzi, it was voted to waive the two items as requested.

Zoning Interpretation -

John Frink returned to table

Bob Allard, AA&M, Old Dover Road, stated that he had a possible tenant for his warehouse and needed to know if proposed use met ordinance requirements.

The business was described as wholesale beauty supplies. Manager advised that the business is strictly wholesale - that franchise/contracts will not allow retail.

Board agreed that the use, as described, met the requirements. Tom Morgan asked that the statement about non-retail be put in writing.

Mr Allard was advised that any expansion of the building would require site plan approval.

Transportation -

Selectman Cosmas Iocovozzi reported on the takeover from the State of Nimble Hill Road as authorized by the 2002 Town Meeting.

The State has agreed to bring the road up to State specifications and plan on the upgrade in stages. The Board of Selectmen agree not to accept the road until upgrade is complete - probably in 5 to 7 years.

Cosmas left the meeting at this time.

The time being after 9:30 the Chairman asked and received the Boards OK to continue the meeting.

Other Business -

Board reviewed draft of letter to Tyco re: subdivision and development and agreed to authorize Chairman Hislop to sign and mail as presented.

A) ConEd noise report

Denis Hebert suggested a meeting - tentative date January 27th - and invite representatives of ConEd and EFSEC ,James Barnes of Acentech and Atty Ratigan. Tom Morgan will set meeting.

B) Sprague Noise Report - On next agenda

C) Tax Incentives on Barns

Barbara Hill briefly described the proposal that is intended to preserve barns.
On a motion by Denis Hebert, seconded by Peggy Lamson, it was voted to have Barbara Hill write a letter to Selectmen advising that the Planning Board endorse the program.

Master Plan

Tom Morgan reported that the questionnaires are ready to be mailed.

Meeting was adjourned at 10:40 p.m.

Pat Main
Secretary