

**Present:** Chairman Marlon Frink, Barbara Hill, John Frink, Sandy Hislop, Peggy Lamson, Chris Cross, Cosmas Iocovozzi (arrived late), Planner Tom Morgan.

**Absent:** Larry Upson, Denis Hebert.

Meeting was opened at 7:05 p.m.

**Minutes of previous meeting:**

Minutes of meeting held 12-10-01, were accepted on a motion by Peggy Lamson, seconded by Barbara Hill.

**Correspondence:** Letter from Wal-Mart re: release of letters of credit. Letter to David Mahoney re: unauthorized truck terminal on his Gosling Rd property. Notices from the Town of Greenland re: proposed retail development with regional impact. Memo from Rockingham Planning Commission re the Greenland proposal and scheduling a meeting of RPC's Development Committee for Jan 9, at 5:30 p.m to discuss the regional impact. Notice of Public Hearing from Rochester re: application for Wireless Telecommunication facility. Copy of a Unit Deed for unit #1 of condominium at 136 Little Bay Road. Deed includes the following statement "The Town of Newington and the Zoning Board of Adjustment, in granting said variance, assume no liability whatsoever regarding any claims related to the proximity of the lot to the said runway."

It was noted that, to date, there has been no resolution of the drainage easement on Dumpling Cove Rd.

**Old Business:**

Chairman Frink reported that he and Sandy Hislop had attended the Budget Committee meeting and the Planning Boards proposed budget was approved.

**Wal-Mart Request for release of Bonds:**

Tom Morgan stated that he has not yet received any confirmation from the State DOT to indicate that the traffic lights on Woodbury Ave have been synchronized, that some members are skeptical that this has been done. Other issue holding up release is the landscaping - the Conservation Commission have scheduled a meeting on 1/17, to discuss this.

Attorney Phil Hasting, representing Wal-Mart, was present and brought to the Boards attention that two separate bonds were being held - One in the amount of \$15,000, to cover site lighting and the second for \$7,000 to cover re-striping and traffic lights. He advised that the synchronization of the lights was out of Wal-Mart's hands and Tom Morgan suggested he contact David Rodrigues of the Department of Transportation to discuss the issue.

John Frink reported on a problem at the intersection of Gosling Rd and Woodbury Ave - that wires are exposed and it is likely that a snow plow could cut them and cause the traffic lights to fail. Chairman Frink suggested that the Selectmen be informed and they, in turn, could contact the DOT.

Selectman Cosmas Iocovozzi arrived at this time.

Re: the lighting - it was noted that the minutes of November 26, state that the lighting changes are acceptable.

Chairman Frink informed Atty Hastings that the Planning Board has had a number of frustrating issues with Wal-Mart especially the matter of the Outback Steakhouse Restaurant to which the Board had given many hours of review (during which Wal-Mart never voiced any objection) and eventually site plan approval and considered it an excellent use of a building next to Wal-Mart with regards to traffic and safety - however, due to a clause in Wal-Marts lease, Outback was denied use of the property. The Planning Board considers Wal-Mart's action as circumventing the Boards authority Other frustrations are caused by an inability to reach anyone at Wal-Mart with knowledge and authority to make decisions.

Attorney Hasting said he would pass on the Boards message.

Barbara Hill moved that the \$15,000 letter of credit for site lighting be released. Motion was seconded by Sandy Hislop and carried unanimously. Tom Morgan will notify the Town Treasurer.

Attorney Hastings asked that a copy of the notice to the Treasurer be sent to Ken McGregor of Sain Assoc.

### **Public Hearings -**

#### **A) Application of BOCA Codes to Residential buildings.**

The Planning Board is proposing a change to Section 5 of the Building Codes by deleting "not applicable to one and two family dwellings" and thereby requiring that one and two family dwellings be subject to comply with the BOCA codes and the inspection requirements .

It was noted that Newington is one of a few towns that do not require residential properties to comply with the codes.

Chairman Frink noted that there are pluses and minuses on this issue but to assure buildings are safe. These regulations should be in place.

John Frink questioned the impact on present homes and Building Inspector, Charlie Smart advised that any remodel would have to comply with the codes - if more that 50% of the structure is involved, the entire structure would have to be brought up to code.

Cliff Abbott, Hannah Lane, was present and stated that he would like more discussion on this issue - that he was surprised that more residents weren't present to voice their opinions. Mr Abbott's main concern is the problem of over zealous building inspectors and additional bureaucracy. He suggested that the Board wait until next year.

Chairman Frink stated that the Board had, had many discussions over the past years on this proposal, and they think it is time to see that residences are built safely and inspected during construction.

BI Charlie Smart noted that there are checks and balances - that the property owner can appeal any decision of the building inspector.

In discussing the Building Codes it was noted that some code references need to be updated also, the minimum amount of building costs to require a permit is now \$100 and should be increased to \$1,000. This will be taken care of next year.

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

Barbara Hill moved to place this proposal on the March Town Meeting warrant with the Planning Board's approval. Motion was seconded by Cosmas Iocovozzi Motion carried with John Frink opposing.

Chairman Frink asked that Tom Morgan provide the property owners with a synopsis of the Board's reasons for recommending this change - also, asked the BI to put his recommendations in writing.

**B) Limit number of Restaurants in Office Zone -**

Tom Morgan explained that this proposal is to prevent restaurants taking over the office zone, that the Town wants the Office Zone to be predominantly offices with the advantage of better paying jobs and less traffic.

John Frink and others questioned if this proposal could be enforced if denying one property owner what his neighbor has been allowed.

Tom Morgan stated that attorneys have been consulted and they find no problem with proposal.

Tom also noted that the Town's Office Zone is most generous with its allowable uses.

There being no further comments from the public - the Public Hearing was closed and the Board returned to the Regular Meeting.

Chris Cross moved the following: To move to the March Town Meeting the proposal to limit restaurants in the Office Zone by not allowing a restaurant on a lot which abuts a lot that already has a restaurant. Motion was seconded by Sandy Hislop Chris Cross, Peggy Lamson and Sandy Hislop voted for the motion. Barbara Hill, John Frink and Cosmas Iocovozzi voted against.

Chairman Frink broke the tie by voting for the motion - proposal will be placed on the March Town Meeting warrant.

**C) Structures in excess of 2,000 SF shall require plans stamped by a professional architect or engineer.**

This proposal has been recommended by the Building Inspector - that modern building have complicated designs and the designs should, for every ones safety especially for snow loads, be designed by a professional and the plans stamped.

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

Board discussed the proposal and Peggy Lamson moved to approve and pass on to the March Town Meeting. Motion was seconded by Sandy Hislop and carried unanimously.

Board agreed to hear a request from Newington Energy.

Marlon Frink stepped down and Sandy Hislop took the chair.

Walter Beck, Project Manager, asked that the permitted use of a leased parcel of PSNH land at the corner of Patterson Lane being used for temporary parking be extended to May 31, 2002.

Barbara Hill move to approve. Peggy Lamson, stating that the residents of Patterson Lane want to see the construction finished and asking that employees be reminded that there is no parking on Patterson Lane, seconded the motion. Motion carried unanimously.

Board also considered a request from Newington Energy for further release of funds held in escrow.

On a motion by Peggy Lamson, seconded by Cosmas Iocovozzi, it was voted to have Edwards & Kelsey determine the appropriate amount to release and the Board to accept their recommendation.

Marlon Frink returned to the Chair - Sandy Hislop to table..

Marlon Frink cautioned Mr Beck that any time constraints on the job of finishing the power plant should be secondary to having the job completed safely.

Mr Beck stated that safety is paramount regardless of how long it takes.

### **Land Use Regulations - Condominium Conversions**

Tom Morgan cited the RSA governing condos - stated that approximately 90% of regulations are covered by state statute but 10% can be regulated by local municipality. Regulations can be adopted by vote of the Planning Board under site plan review and does not require vote of the town.

Board reviewed the proposed amendments prepared by Tom Morgan and noted, for the record that the Board does not intend to require site plan review for single family residences but only for condo conversions. Also noted that condo documents can be complicated and should always be reviewed by an attorney.

On a motion by Peggy Lamson, seconded by Barbara Hill, it was voted to hold a Public Hearing at the February meeting (2/11) on the proposed amendments A-B-C and Section 11, of the Site Plan Review regulations.

### **Pease Development Authority report**

Tom Morgan reported on developments of salt shipments to Portsmouth - that the State and the PDA had contracted to have bulk loaders offload salt in Portsmouth leaving Sprague Energy and Granite State Minerals of Newington without salt storage business. A proposal was made to ship salt from Portsmouth to the Newington businesses by truck requiring a variance from the BOA. The BOA has denied a variance to Sprague because of the number of trucks (5,000) needed to transport the salt. Granite State have applied for a variance which will be considered by the BOA on 1/22/02.

Board agreed that the PDA should have traffic studies completed including the impact of 5,000

trucks before recommending shipments of salt to Newington by road.

Board authorized Chairman Frink on a motion by Cosmas Iocovozzi, seconded by Barbara Hill, to sign a letter addressed to the PDA Chairman suggesting steps to prevent traffic congestion and ceasing activities which undermine private industries along Newington's deep water port.

Peggy Lamson abstained.

**Other Business-**

Greenland Development - Chairman Frink stated that the Chairman of the Selectmen will be attending the Board of Adjustment meeting in Greenland and would like some suggestions from the Planning Board on issues that may impact Newington.

Board discussed and agreed that traffic, especially any traffic routed through a residential zone should be studied very closely. Another issue that need to be addressed is the impact of mutual aid of police & fire personnel

Chairman Frink suggested that any member that could should attend the hearing.

Chris Cross reported on the Exit 4 public info meeting held by the State DOT. State should be addressing and taking into consideration land uses as well as safety issues.

Selectmen will meet with the DOT to discuss some alternatives to the States proposal for this intersection.

Meeting was adjourned at 9:25 p.m. on a motion by Cosmas Iocovozzi, seconded by many.

Pat Main  
Secretary

PB 01-14-02